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United States Department of Agriculture

AGRICULTURAL RESEARCH SERVICE

PLANT PEST CONTROL DIVISION

PLANT QUARANTINE DIVISION

U. S. DEPARTMENT OF AGRICULTURE

PLANT REGULATORY ANNOUNCEMENTS¹

JANUARY—DECEMBER 1957

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¹ Edited by Ralph W. Sherman, Staff Assistant, Plant Quarantine Division.

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QUARANTINE AND OTHER OFFICIAL ANNOUNCEMENTS

ANNOUNCEMENTS RELATING TO BLACK STEM RUST QUARANTINE (NO. 38)

P. P. C. 577, Third Revision

Effective March 21, 1957

TITLE 7—AGRICULTURE

CHAPTER III—AGRICULTURAL RESEARCH SERVICE, DEPARTMENT OF AGRICULTURE

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—BLACK STEM RUST

REVISED ADMINISTRATIVE INSTRUCTIONS DESIGNATING RUST- RESISTANT SPECIES AND VARIETIES OF BARBERRY, MAHOBER- BERIS, AND MAHONIA PLANTS

Pursuant to the authority conferred upon him by § 301.38-5 of the regulations (7 CFR 301.38-5) supplemental to the Black Stem Rust Quarantine (Notice of Quarantine No. 38, 7 CFR 301.38) under section 8 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161), and Administrative Memorandum No. 101.1 of February 21, 1957 issued by the Administrator of the Agricultural Research Service, the Director of the Plant Pest Control Division hereby revises the administrative instructions in 7 CFR, Supp. 301.38-5a (21 F. R. 4905) to read as follows:

§ 301.38-5a *Administrative instructions designating rust-resistant barberry, mahoberberis, and mahonia plants.* (a) The Director of the Division, upon the basis of evidence satisfactory to him, has determined that the following species and horticultural varieties of barberry, mahoberberis, and mahonia are resistant to black stem rust, and such species and varieties are hereby designated as rust-resistant:

Scientific name:

Berberis arido-calida.
B. beaniana.
B. buxifolia.
B. buxifolia nana.
B. calliantha.
B. candidula.
B. chenaulti.
B. circumserrata.
B. concinna.
B. darwini.
B. formosana.
B. franchetiana.
B. gagnepaini.
B. gilgiana.
B. hoervathi.
B. hybrido-gagnepaini.
B. insignis.
B. julianae.
B. koreana.
B. lempergiana.
B. lepidifolia.
B. linearifolia.
B. linearifolia var. Orange King.
B. lologensis.
B. manipurana.
B. mentorensis.
B. pallens.
B. potanini.
B. Renton.
B. replicata.
B. sanguinea.
B. sargentiana.
B. stenophylla.
B. stenophylla diversifolia.

B. stenophylla gracilis.
B. stenophylla irwini.
B. stenophylla nana compacta.
B. telomaiica artisepala.
B. thunbergi.
B. thunbergi atropurpurea.
B. thunbergi atropurpurea erecta.
B. thunbergi atropurpurea nana.
B. thunbergi erecta.
B. thunbergi "globe".
B. thunbergi "golden".
B. thunbergi maximowicz.
B. thunbergi minor.
B. thunbergi pluriflora.
B. thunbergi "thornless".
B. thunbergi "variegata".
B. thunbergi xanthocarpa.
B. triacanthophora.
B. verruculosa.
B. virgatorum.
B. wokingensis.
B. xanthoxylon.
Mahoberberis aqui-candidula.
M. aqui-sargentiae.
M. miethekeana.
Mahonia aquifolium.
M. bealei.
M. compacta.
M. dictyota.
M. fortunei.
M. lomarifolia.
M. nervosa.
M. pinnata.
M. repens.

(b) Plants of the species and varieties listed in paragraph (a) of this section may be moved interstate in compliance with the regulations in this subpart.

(c) Under the regulations in this subpart, seeds and fruit of the species and varieties listed in paragraph (a) of this section, if produced in any of the States of Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, Virginia, Washington, West Virginia, Wisconsin, and Wyoming, may be moved between

such States only under permit or, wherever produced, may be moved from the States named to points outside thereof, and between States other than those named, without restriction. Under the regulations, seeds and fruit of the species and varieties listed in paragraph (a) of this section generally are prohibited movement into the States named.

(Sec. 9, 37 Stat. 318; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

These instructions shall become effective on March 21, 1957, when they shall supersede P. P. C. 557, second revision, effective July 3, 1956 (7 CFR, Supp., 301.38-5a).

The purpose of this amendment is to add to the list of rust-resistant species and horticultural varieties of barberry, mahoberberis, and mahonia plants the following three additional species and varieties: *Berberis manipurana*, *Berberis thunbergi atropurpurea erecta*, and *Berberis wokingensis*. The designation of such rust-resistant species and varieties in effect constitutes a relaxation of the restrictions of the regulations and depends upon facts within the knowledge of the Plant Pest Control Division. It has been determined that there is no unwarranted pest risk involved in the permitted movement of such species and varieties. The determination having been made that these species and varieties are rust-resistant, authorization for their movement in accordance with the regulations should be accomplished promptly. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure concerning these instructions are impracticable, unnecessary, and contrary to the public interest, and since the instructions relieve restrictions, they may be made effective less than thirty days after publication in the Federal Register.

Done at Washington, D. C., this 18th day of March 1957.

[SEAL]

E. D. BURGESS,

Director, Plant Pest Control Division.

[Filed with the Division of the Federal Register, March 29, 1957; 8:53 a. m.; 22 F. R. 1883.]

ANNOUNCEMENTS RELATING TO EUROPEAN CHAFER QUARANTINE (NO. 77)

P. P. C. 613, Revised

Effective February 2, 1957

TITLE 7—AGRICULTURE

CHAPTER III—AGRICULTURAL RESEARCH SERVICE, DEPARTMENT OF AGRICULTURE

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—EUROPEAN CHAFER

REVISION OF ADMINISTRATIVE INSTRUCTIONS DESIGNATING REGULATED AREAS UNDER EUROPEAN CHAFER QUARANTINE AND REGULATIONS

On December 5, 1956, there was published in the Federal Register (21 F. R. 9612), under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), a notice of rule making relating to a proposed revision of 7 CFR 301.77-2a. After due consideration of all relevant matters presented, and pursuant to § 301.77-2 of the regulations supplemental to the European chafer quarantine (7 CFR 301.77-2), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), 7 CFR 301.77-2a is hereby revised to read as follows:

§ 301.77-2a *Administrative instructions designating regulated areas under the European chafer quarantine and regulations.* Infestations of the European chafer have been determined to exist in the counties and other civil divisions, and parts thereof, listed below, or it has been determined that such infestation is likely to exist therein, or it is deemed necessary to regulate such civil divisions and parts thereof because of their proximity to infestation or their inseparability for quarantine purposes from infested localities. Accordingly, such counties and other civil divisions, and parts thereof, are hereby designated as European chafer regulated areas within the meaning of the provisions in this subpart:

CONNECTICUT

New Haven County. That area, comprising part of the town of Meriden, included within a circle having a 1-mile radius and center at the intersection of Wilber Cross Parkway (Connecticut Route 15) and U. S. Highway 5.

NEW YORK

Chemung County. That area, comprising part of the city of Elmira, bounded by a line beginning at the intersection of Bonview Street and Ogden Avenue, proceeding south on Ogden Avenue to Roe Avenue, thence east on Roe Avenue to Bridgman Street, thence south on Bridgman Street to Washington Avenue, thence west on Washington Avenue to Hoffman Street and continuing west of Hoffman Street approximately 2,400 feet, thence northerly approximately 2,300 feet, thence easterly approximately 1,600 feet and continuing east on Bonview Street to the point of beginning.

Erie County. That area, comprising part of the city of Buffalo, bounded by a line beginning at the intersection of Delaware Avenue and Humboldt Parkway, proceeding southeast on Humboldt Parkway to East Delavan Avenue, thence west on East and West Delavan Avenues to Delaware Avenue, and thence northerly on Delaware Avenue to the point of beginning.

Monroe County. The entire county.

Niagara County. That area, comprising part of the city of Niagara Falls, included within a circle having a ½-mile radius and center at the intersection of College and Highland Avenues.

Onondaga County. Towns of Cicero, Clay, De Witt, Geddes, and Salina, and the city of Syracuse.

Ontario County. Towns of Canandaigua, Farmington, Geneva, Gorham, Hopewell, Manchester, Phelps, Seneca, and Victor, and the cities of Canandaigua and Geneva.

Oswego County. Town of Minetto.

Seneca County. Towns of Junius and Tyre.

Wayne County. The entire county.

WEST VIRGINIA

Hampshire County. District of Bloomery and town of Capon Bridge.

These administrative instructions shall become effective February 2, 1957, when they shall supersede administrative instructions effective September 1, 1955.

This revision of administrative instructions adds to the regulated area in New York all previously unregulated parts of the city of Syracuse and the town of Salina, as well as the entire towns of Cicero, Clay, De Witt, and Geddes in Onondaga County and the town of Minetto in Oswego County.

These instructions should be made effective as soon as possible in order to be of maximum benefit in preventing the interstate spread of European chafers. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), good cause is found for making the instructions effective less than 30 days after publication in the Federal Register.

(Sec. 9, 37 Stat. 318; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 29th day of January 1957.

[SEAL]

E. D. BURGESS,
Chief, Plant Pest Control Branch.

[Filed with the Division of the Federal Register, February 2, 1957, 8:49 a. m., 22 F. R. 693.]

[Copies of the foregoing revision were sent to all common carriers doing business in or through the affected States.]

[A notice to the general public concerning the above revision was published in the Democrat and Chronicle, Rochester, N. Y., February 12, 1957.]

ANNOUNCEMENTS RELATING TO FRUIT AND VEGETABLE QUARANTINE (NO. 56)

P. Q. 619

Effective January 26, 1957

TITLE 7—AGRICULTURE

CHAPTER III—AGRICULTURAL RESEARCH SERVICE, DEPARTMENT OF AGRICULTURE

PART 319—FOREIGN QUARANTINE NOTICES

SUBPART—FRUITS AND VEGETABLES

ADMINISTRATIVE INSTRUCTIONS PRESCRIBING METHOD OF TREATMENT OF OKRA FROM CERTAIN PARTS OF MEXICO; INTERPRETATION

On November 16, 1956, there was published in the Federal Register (21 F. R. 8948) under section 4 of the Administrative Procedure Act (5 U. S. C. 1003),

a notice of rule making relating to the proposed issuance of a document containing administrative instructions and an interpretation to appear as § 319.56-2k in Title 7, Code of Federal Regulations. After due consideration of all relevant matters presented, and pursuant to § 319.56-2 of the regulations supplemental to the Fruit and Vegetable Quarantine (Notice of Quarantine No. 56, 7 CFR 319.56-2) under sections 5 and 9 of the Plant Quarantine Act of 1912 (7 U. S. C. 159, 162), and other delegations of authority (19 F. R. 515, as amended), administrative instructions and an interpretation are hereby issued as follows:

§ 319.56-2k *Okra from Mexico*—(a) *Administrative instructions prescribing method of treatment of okra from certain parts of Mexico.* Fumigation with methyl bromide at normal atmospheric pressure, in accordance with the following procedure is hereby prescribed as an alternate condition of importation under permit under § 319.56-2 for all shipments of okra from Mexico, except okra produced in the Imperial Valley of Baja California, Mexico;

(1) *Approval of fumigation room.* The fumigation shall consist of fumigation with methyl bromide at normal atmospheric pressure, in a fumigation room which has been approved for that purpose by the Plant Quarantine Branch. The Plant Quarantine Branch will approve only those fumigation rooms that are properly constructed and adequately equipped to handle and treat okra, and are located, either within the United States or Mexico, within the practicable supervisory range of a port of entry where inspectors are stationed and where the required supervision can be accomplished without encroaching upon normal port inspection assignments.

(2) *Fumigation schedule.* Such fumigation shall be in accordance with the following fumigation schedule:

Temperature (° F.)	Dosage (pounds of methyl bromide per 1,000 cubic feet)	Exposure period (hours)
90.....	1.0	2
80.....	1.5	2
70.....	2.0	2
60.....	2.5	2
50.....	3.0	2
40.....	3.5	2

(3) *Fumigation procedure.* Okra to be fumigated may be packed in slatted crates or other gas permeable containers. The fumigation room shall not be loaded to more than two-thirds of its capacity. The containers may be stacked one on top of another, but a 3- to 4-inch space must be provided between each container throughout the load. Good air circulation above and below the load shall be provided as soon as the okra is loaded and must be continued during the full period of fumigation and until the okra has been removed to a well-ventilated location. Strong blasts of air should not be directed against the okra. Fumigation at temperatures in excess of 90° F. may result in injury to okra and should be avoided if possible.

(4) *Supervision of fumigation.* (i) Inspectors of the Plant Quarantine Branch will supervise the fumigation of okra and will specify such safeguards as may be necessary for the handling and transportation of the okra before and subsequent to fumigation, if, in the opinion of the inspector this is necessary to assure that there will be no pest risk associated with the importation and treatment. The final release of the okra for entry into the United States will be conditioned upon compliance with the specified safeguards.

(ii) Supervision of approved fumigation rooms will, if practicable be carried on as a part of normal port inspection activities and when so available will be furnished without cost to the owner of the okra or his representative.

(5) *Costs.* All costs of constructing, maintaining, and operating fumigation plants and facilities, and carrying out the specified pre-treatment and post-treatment safeguards shall be borne by the owner of the okra or his representative. Where normal inspection activities preclude the furnishing of supervision during regularly assigned hours of duty, supervision will be furnished on a reimbursable overtime basis and the owner of the okra or his representative will be charged in accordance with §§ 354.1 and 354.2 of this chapter.

(6) *Department not responsible for damage.* While the prescribed treatment is judged from experimental tests to be safe for use with okra, the Department assumes no responsibility for any damage sustained through or in the course of treatment or because of pre-treatment or post-treatment safeguards. There has not been an opportunity to test these treatments under all conditions or on all okra varieties or on okra from all areas involved.

(b) *Interpretation re importation of okra from Imperial Valley of Baja California.* Okra produced in the Imperial Valley of Baja California, Mexico, may enter under permit and subject to inspection at the ports of Calexico and San Ysidro, California.

This order authorizes the importation, under permit subject to approved fumigation of okra produced in any part of Mexico, except okra produced in the Imperial Valley of Baja California, Mexico, which is enterable under permit subject only to inspection. This fumigation treatment provides for the entry of okra for marketing in the fresh state.

Since these administrative instructions and interpretation relieve restrictions, they are within the exception in section 4 (c) of the Administrative Procedure Act (5 U. S. C. 1003 (c)) and may properly be made effective less than 30 days after publication in the Federal Register.

(Sec. 9, 37 Stat. 318, 7 U. S. C. 162. Interprets or applies sec. 5, 37 Stat. 316, 7 U. S. C. 159)

These administrative instructions and interpretation shall become effective January 26, 1957.

Done at Washington, D. C., this 23d day of January 1957.

[SEAL]

E. P. REAGAN,
Chief, Plant Quarantine Branch.

[Filed with the Division of the Federal Register, January 25, 1957, 8:48 a. m.; 22 F. R. 519.]

[Copies of the above order were sent to interested governments through American diplomatic and consular officers of the Department of State.]

P. Q. 609, Revised

Effective April 20, 1957

TITLE 7—AGRICULTURE

CHAPTER III—AGRICULTURAL RESEARCH SERVICE, DEPARTMENT OF AGRICULTURE

PART 319—FOREIGN QUARANTINE NOTICES

SUBPART—FRUITS AND VEGETABLES

ADMINISTRATIVE INSTRUCTIONS PRESCRIBING METHOD OF FUMIGATION OF MANGOES AND PLUMS FROM MEXICO

Pursuant to the authority conferred on him by § 319.56-2 of the regulations supplemental to the Fruit and Vegetable Quarantine (Notice of Quarantine No. 56, 7 CFR and Supp. 319.56) under section 5 of the Plant Quarantine Act of 1912 (7 U. S. C. 159), and Administrative Memorandum No. 101.1 of February 21, 1957 issued by the Administrator of the Agricultural Research Service, the Director of the Plant Quarantine Division hereby issues amended administrative instructions to appear as § 319.56-2j in Title 7, Code of Federal Regulations, as follows:

§ 319.56-2j *Administrative instructions prescribing method of fumigation of mangoes and plums from Mexico.* Approved fumigation with ethylene dibromide at normal atmospheric pressure, in accordance with the following procedure, is hereby prescribed as a condition of entry under permit for all shipments of mangoes and plums from Mexico.

(a) *Approved fumigation.* (1) The approved fumigation shall consist of fumigation with ethylene dibromide at normal atmospheric pressure, in a fumigation chamber which has been approved for that purpose by the Plant Quarantine Division. Such chambers must be equipped with a gas-tight glass window to permit a view inside the chamber while fumigation is in progress. The Plant Quarantine Division will approve only those fumigation plants that are properly constructed and adequately equipped to handle and treat mangoes and plums at locations acceptable to the inspector, in areas where required supervision can

be furnished. The dosage shall be applied at the rate of 1 pound of ethylene dibromide per 1,000 cubic feet of space for 2 hours at a minimum temperature of 77° F. Cubic feet of space shall include the load. The 2-hour period of exposure shall begin when all of the fumigant has been introduced into the chamber. The required temperature applies to both air and fruit. The ethylene dibromide must be applied in the liquid state and volatilized within the sealed fumigation chamber by direct contact with a highly heated metal surface over an electric hot plate or other suitable heating medium. The gas shall be circulated within the chamber continuously for the 2-hour period by an electric fan or blower.

(2) Mangoes to be fumigated may be packed in export flats with wood excelsior before treatment. Plums to be fumigated may be prepacked in slatted containers and wood excelsior used if desired. Paper wrappings for individual fruits may not be used for mangoes and plums unless authorized in advance by the Plant Quarantine Division. Fruit to be fumigated may also be placed in open field boxes. When loaded in the fumigation chamber the boxes or containers shall be separated by at least 2 inches on all sides by wooden strips or other means. The chamber shall not be loaded to more than one-third capacity.

(b) *Supervision of fumigation.* (1) Inspectors of the Plant Quarantine Division will supervise the fumigation of mangoes and plums and will prescribe such safeguards as may be necessary for the handling, packing, and transportation of the fruit from the time it leaves the treating plant until it reaches the United States port of entry. The final release of the fruit for entry into the United States will be conditioned upon compliance with the prescribed safeguards.

(2) Supervision of fumigation at places in Mexico contiguous to ports of entry where inspectors are regularly stationed will, if practicable, be carried out as a part of normal inspection activities and when so available will be furnished without cost to the owner of the fruit or his representative.

(c) *Costs.* All costs of constructing, equipping, maintaining and operating fumigation plants and facilities, and carrying out precautions prescribed for post-treatment safeguards shall be borne by the owner of the fruit or his representative. Where normal inspection activities preclude the furnishing of supervision during regularly assigned hours of duty, supervision will be furnished on a reimbursable overtime basis and the owner of the fruit or his representative will be charged in accordance with §§ 354.1 and 354.2 of this chapter.

(d) *Approval of fumigation plants.* Approval of fumigation plants in the interior of Mexico or at places removed from ports of entry where inspectors are regularly stationed will be contingent upon compliance with the provisions of paragraph (a) (1) of this section and upon the availability of qualified personnel for assignment to supervise the treatment and post-treatment handling of mangoes and plums. Those in interest must make advance arrangements for approval of the fumigation plant and for supervision, and furnish the Director of the Plant Quarantine Division with acceptable assurances that they will provide, without cost to the United States Department of Agriculture, all salaries, transportation, per diem, and other incidental expenses for the supervising inspectors including the payment to the inspectors of additional compensation for their services in excess of 40 hours weekly, according to the rates established for the payment of inspectors of the Plant Quarantine Division.

(e) *Department not responsible for damage.* While the prescribed treatment is judged from experimental tests to be safe for use with mangoes and plums, the Department assumes no responsibility for any damage sustained through or in the course of treatment, or because of post-treatment safeguards.

These administrative instructions shall be effective and replace the provisions now in 7 CFR 319.56-2j on and after April 20, 1957.

The purpose of this amendment is to extend to all varieties of mangoes and to plums, from Mexico, the privileges of importation after fumigation heretofore restricted to Manila mangoes only.

Experimental dosage-mortality data indicate that the treatment now prescribed for Manila mangoes may be safely extended to the other varieties of mangoes and to plums grown in Mexico. Other tests have shown that the prescribed treatment is effective when used with mangoes packed in export flats with wood excelsior and with plums prepacked in slatted containers, also with wood excelsior. Authorization of fumigation of mangoes when so packed will reduce the amount of supervision of packing after treatment now required, thereby

reducing demands on the inspector's time and expediting the owner's handling of shipments. The only treatment heretofore available for plums from Mexico was the cold treatment. The newly authorized procedure provides an alternative treatment for plums that may be applied in a much shorter time and at less expense.

The amendment therefore is a relieving of restrictions previously imposed. In order to be of maximum benefit to mango and plum importers, the newly authorized procedure should be made available as soon as possible. Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice and public procedure on the foregoing administrative instructions are unnecessary, impracticable, and contrary to the public interest, and since these instructions relieve restrictions they may be made effective under said section 4 less than thirty days after publication in the Federal Register.

(Sec. 3, 33 Stat. 1270, sec. 9, 37 Stat. 318; 7 U. S. C. 143, 162. Interprets or applies sec. 5, 37 Stat. 316; 7 U. S. C. 159)

Done at Washington, D. C., this 17th day of April 1957.

[SEAL]

E. P. REAGAN,

Director, Plant Quarantine Division.

[Filed with the Division of the Federal Register, April 19, 1957, 8:53 a. m.; 22 F. R. 2756.]

[Copies of the above order were sent to the interested government through American diplomatic and consular officers of the Department of State.]

P. Q. 583, Amendment

Effective July 6, 1957

TITLE 7—AGRICULTURE

CHAPTER III—AGRICULTURAL RESEARCH SERVICE, DEPARTMENT OF AGRICULTURE

PART 319—FOREIGN QUARANTINE NOTICES

AMENDMENT OF ADMINISTRATIVE INSTRUCTIONS FOR COLD TREATMENTS OF FRUITS

On May 18, 1957, there was published in the Federal Register (22 F. R. 3487) a notice of the proposed amendment of § 319.56-2d (a) (2) of administrative instructions relating to cold treatments of imported fruits. After due consideration of all relevant matters submitted in connection with the notice, and pursuant to § 319.56-2 of the regulations supplemental to the Fruit and Vegetable Quarantine (7 CFR 319.56-2, as amended) under sections 5 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 159, 162), § 319.56-2d (a) (2) of the administrative instructions (7 CFR 319.56-2d) is hereby amended to read as follows:

§ 319.56-2d *Administrative instructions for cold treatments of imported Vinifera grapes and certain other fruits—*(a) *Treatments authorized.* * * *

(2) *Refrigeration temperatures and periods.* Fruit cold treated because of the Mediterranean fruit fly shall be refrigerated for one of the following periods at or below the respective temperature designated:

10 days—32° F.
11 days—33° F.
12 days—34° F.
14 days—35° F.
16 days—36° F.

Fruit cold treated because of fruit flies of the genus *Anastrepha* (other than *A. ludens* (Loew)) shall be refrigerated for one of the following periods at or below the respective temperature designated:

11 days—32° F.
13 days—33° F.
15 days—34° F.
17 days—35° F.

Fruit cold treated because of the Mexican fruit fly (*A. ludens* (Loew)) shall be refrigerated for one of the following periods at or below the respective temperature designated:

18 days—33° F.
20 days—34° F.
22 days—35° F.

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Refrigeration temperatures and periods for fruit to be cold treated because of other species of fruit flies may be designated by the Director of the Plant Quarantine Division, if experimental data are available concerning applicable treatments of known effectiveness.

This amendment changes the refrigeration requirements applicable to imported fruit treated because of the Mexican fruit fly to conform to those relating to fruit moved interstate in accordance with the domestic Mexican fruit fly quarantine. Since the Mexican fruit fly has been found to be more resistant to low temperatures than other species of the genus *Anastrepha*, longer refrigeration periods for this species have been provided.

This amendment should be made effective at the earliest practicable date in order to prevent the entry of the Mexican fruit fly. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U. S. C. 1003), good cause is found for making this amendment effective less than 30 days after publication in the Federal Register.

This amendment shall be effective July 6, 1957.

(Secs. 5, 9, 37 Stat. 316, 318; 7 U. S. C. 159, 162)

Done at Washington, D. C., this 2d day of July 1957.

[SEAL]

E. P. REAGAN,

Director, Plant Quarantine Division.

[Filed with the Division of the Federal Register, July 5, 1957, 8:52 a. m.; 22 F. R. 4749.]

[Copies of the above order were sent to interested governments through American diplomatic and consular officers of the Department of State.]

P. Q. 587, Revised

Effective August 21, 1957

TITLE 7—AGRICULTURE

CHAPTER III—AGRICULTURAL RESEARCH SERVICE, DEPARTMENT OF AGRICULTURE

PART 319—FOREIGN QUARANTINE NOTICES

ADMINISTRATIVE INSTRUCTIONS AUTHORIZING IMPORTATION OF FROZEN FRUITS AND VEGETABLES

Pursuant to § 319.56-2 of the regulations supplemental to the Fruit and Vegetable Quarantine (7 CFR 319.56-2, as amended) under sections 5 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 159, 162), administrative instructions designated as 7 CFR 319.56-2c are hereby amended to read as follows:

§ 319.56-2c *Administrative instructions authorizing the importation of frozen fruits and vegetables.* (a) The type of treatment designated in this subpart as freezing shall be one of those treatments commonly known as quick freezing, sharp freezing, or frozen pack. In general this involves an initial quick freezing at subzero temperatures with subsequent storage and transportation handling at not higher than 20° F. Any equivalent freezing method is also included in this designation.

(b) The Director of the Plant Quarantine Division, under authority contained in § 319.56-2, hereby prescribes freezing as a satisfactory treatment for all fruits and vegetables enterable under permit under § 319.56. Such frozen fruits and vegetables may be imported from any country under permit, on compliance with §§ 319.56-1 through 319.56-7 (exclusive of nonrelated administrative instructions), at such ports as shall be authorized in the permits.

(c) Such fruits and vegetables may not be removed from the vessel or vehicle transporting them until it has been determined by an inspector of the Plant Quarantine Division that they are in a satisfactory frozen state on arrival in this country.

(d) If the temperature of the fruits or vegetables in any part of such an importation is found to be above 20° F. at the time of inspection upon arrival, the entire shipment shall remain on board the vessel or vehicle under such safeguards as may be prescribed by the inspector of the Plant Quarantine Division until the temperature of the shipment is below 20° F., or the shipment is transported outside the United States or its territorial waters, or is otherwise disposed of to the satisfaction of the inspector.

(e) The importation from foreign countries of frozen fruits and vegetables is not authorized when such fruits and vegetables are subject to attack in the area of origin, by plant pests that may not, in the judgment of the Director of the Plant Quarantine Division, be destroyed by freezing.

(f) Freezing of fruits and vegetables as authorized in the instructions in this section is considered necessary for the elimination of pest risk, and no liability shall attach to the United States Department of Agriculture or to any officer or representative of that Department in the event of injury resulting to fruits or vegetables offered for entry in accordance with the instruction in this section.

The primary purpose of these revised instructions is to provide a specific degree of coldness, 20° F., to which the temperature of fruits and vegetables must be lowered before they may be unloaded from the vessel or vehicle for importation.

This revision should be made effective at the earliest practicable date in order to prevent the entry of injurious insects in imported fruits and vegetables. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and public procedure on this revision are impracticable and contrary to the public interest and good cause is found for making this revision effective less than 30 days after publication in the Federal Register.

This revision shall be effective August 21, 1957, when it shall supersede 7 CFR 319.56-2c effective March 9, 1950.

(Secs. 5, 9, 37 Stat. 316, 318; 7 U. S. C. 159, 162)

Done at Washington, D. C., this 16th day of August 1957.

[SEAL]

E. P. REAGAN,
Director, Plant Quarantine Division.

[Filed with the Division of the Federal Register, August 20, 1957, 8:54 a. m.; 22 F. R. 6680.]

[Copies of the above order were sent to interested governments through American diplomatic and consular officers of the Department of State.]

ANNOUNCEMENTS RELATING TO GYPSY MOTH AND BROWN-TAIL MOTH QUARANTINE (NO. 45)

STATUS CHANGED FOR NEW YORK AND MAINE AREAS IN GYPSY MOTH DRIVE

(Press Notice)

MAY 20, 1957.

The "generally infested" classification will be lifted May 21 from 8 counties and 12 towns in southeastern New York where aerial spraying for gypsy moth eradication is now in progress, the U. S. Department of Agriculture announced today.

At the same time, USDA announced that eight towns have been added to the federally regulated gypsy moth area in Penobscot County, Maine, and listed as "generally infested."

The New York localities, which will remain in the federally regulated area, are the counties of Delaware, Nassau, Orange, Putnam, Rockland, Suffolk, Sullivan, and Westchester, as well as the towns of Beekman, East Fishkill, Fishkill, Pawling, Poughkeepsie, and Wappinger, in Dutchess County; and the towns of Gardiner, Marlboro, Plattekill, Rochester, Shawangunk, and Wawarsing, in Ulster County. Inspection and certification requirements will apply to regulated articles moved to these localities from "generally infested" areas.

Extensions of the regulated area in Penobscot County, Maine, comprise the towns of Edinburgh, Enfield, Howland, Lincoln, Lowell, Mattamiscontis, Maxfield, and Passadumkeag.

The gypsy moth federally regulated area includes the entire States of Connecticut, Massachusetts, and Rhode Island, and infested portions of Maine, New Hampshire, Vermont, and southeastern and northeastern New York.

P. P. C. 617, Revised

Effective May 21, 1957

TITLE 7—AGRICULTURE

CHAPTER III—AGRICULTURAL RESEARCH SERVICE, DEPARTMENT OF AGRICULTURE

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—GYPSY MOTH AND BROWN-TAIL MOTH

ADMINISTRATIVE INSTRUCTIONS DESIGNATING REGULATED AREAS

Pursuant to § 301.45-2 of amended gypsy moth and brown-tail moth quarantine regulations (7 CFR 301.45-2, as amended), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), the Director of the Plant Pest Control Division hereby issues amended administrative instructions designating regulated areas under the said regulations to appear in 7 CFR 301.45-2a as follows:

§ 301.45-2a *Administrative instructions designating regulated areas under the gypsy moth and brown-tail moth quarantine and regulations.* Infestations of either the gypsy moth or the brown-tail moth have been determined to exist, in the quarantined States, in the respective counties, cities, towns, plantations, and other civil divisions, and parts thereof, listed below, or it has been determined that such infestation is likely to exist therein, or it is deemed necessary to regulate such civil divisions and parts thereof because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities. Accordingly, such civil divisions and parts thereof are hereby designated, as follows, as a single, continuous gypsy moth regulated area, which is further divided into a suppressive area and a generally infested area; and a single, continuous brown-tail moth regulated area, within the meaning of the provisions in this subpart:

(a) *Gypsy moth regulated area:*

Connecticut. All counties in the State.

Maine. Counties of Androscoggin, Cumberland, Kennebec, Knox, Lincoln, Sagadahoc, Waldo, and York; towns of Avon, Berlin, Carthage, Chesterville, Crockertown, Dallas Plantation, Farmington, Freeman, Greenville, Industry, Jay, Jerusalem, Kingfield, Madrid, Mount Abraham, New Sharon, New Vineyard, Perkins, Phillips, Rangeley Plantation, Redington, Salem, Sandy River Plantation, Strong, Temple, Washington, Weld, and Wilton, and Townships D and E, in Franklin County; all of Hancock County except Plantations 3, 4, 35, and 41; all that part of Oxford County south and southeast of, and including, the towns of Magalloway and Richardsontown; towns of Alton, Argyle, Bradley, Bradley, Carmel, Charleston, Clifton, Corinna, Corinth, Dexter, Dixmont, Edgington, Edinburgh, Enfield, Etna, Exeter, Garland, Glenburn, Grand Falls Plantation, Greenbush, Greenfield, Hampden, Hermon, Holden, Howland, Hudson, Kenduskeag, LaGrange, Levant, Lincoln, Lowell, Mattamiscontis, Maxfield, Milford, Newburgh, Newport, Orono, Orrington, Passadumkeag, Plymouth, Stetson, Summit, and Veazie, and cities of Bangor, Brewer, and Old Town, in Penobscot County; towns of Abbott, Atkinson, Dover-Foxcroft, Guilford, Kingsbury Plantation, Medford, Milo, Orneville, Parkman, Sangerville, Sebec, and Wellington, in Piscataquis County; all that part of Somerset County south and southeast of, and including, Highland and Pleasant Ridge Plantations, town of Moscow, and Mayfield Plantation; towns of Beddington, Cherryfield, Columbia, Deblois, Harrington, Millbridge, and Steuben, and Plantations 16 and 24, in Washington County.

Massachusetts. All counties in the State.

New Hampshire. Counties of Belknap, Carroll, Cheshire, Grafton, Hillsboro, Merrimack, Rockingham, Strafford, and Sullivan; all that part of Coos County lying south of, and including, the towns of Strafford, Odell, Dummer, and Cambridge.

New York. Counties of Albany, Clinton, Columbia, Delaware, Dutchess, Fulton, Greene, Montgomery, Nassau, Orange, Otsego, Putnam, Rensselaer, Rockland, Saratoga, Schenectady, Schoharie, Suffolk, Sullivan, Ulster, Warren, Washington, and Westchester; towns of Chesterfield, Crown Point, Elizabethtown, Essex, Jay, Keene, Lewis, Moriah, North Hudson, Schroon, Ticonderoga, Westport, Willsboro, and Wilmington in Essex County; towns of Benson, Hope, and Wells in Hamilton County; all of Herkimer County except the towns of Olio, Russia, and Webb; town of Brookfield in Madison County; towns of Bridgewater, Deerfield, Kirkland, Marcy, Marshall, New Hartford, Paris, Sangerfield, Utica, Westmoreland, and Whitestown, in Oneida County.

Rhode Island. All counties in the State.

Vermont. Counties of Addison, Bennington, Chittenden, Grand Isle, Orange, Rutland, Washington, Windham, and Windsor; towns of Barnet, Danville, Groton, Kirby, Peacham, Ryegate, St. Johnsbury, and Waterford, in Caledonia County; towns of Concord, Granby, Guildhall, Lunenburg, Maidstone, and Victory, in Essex County; all of Franklin County except the towns of Bakersfield, Berkshire, Enosburg, Montgomery, and Richford; and the town of Elmore in Lamoille County.

(b) *Gypsy moth suppressive area:*

Counties of Delaware, Nassau, Orange, Putnam, Rockland, Suffolk, Sullivan, and Westchester; the towns of Beekman, East Fishkill, Fishkill, Pawling, Poughkeepsie and Wappinger in Dutchess County; the towns of Gardiner, Marlboro, Plattekill, Rochester, Shawangunk, and Wawarsing in Ulster County; in New York.

(c) *Gypsy moth generally infested area.* All gypsy moth regulated area not included in the gypsy moth suppressive area constitutes the gypsy moth generally infested area.

(d) *Brown-tail moth regulated area.* All of the above described gypsy moth regulated area, exclusive of that in the State of New York, constitutes the brown-tail moth regulated area.

These administrative instructions shall be effective and replace the provisions now in 7 CFR Supp. 301.45-2a, 21 F. R. 4909, on and after May 21, 1957.

This amendment divides the gypsy moth regulated area into a suppressive area and a generally infested area. Eight towns in Penobscot County, Maine, have been added to the gypsy moth regulated area.

Aerial spraying of spot infestations and certain areas generally infested with the gypsy moth is now under way in parts of southeastern New York. It is essential that the localities being sprayed immediately be given the status of a suppressive area in order to protect them from reinfestation through the movement of host material from the remainder of the regulated area, herein designated as generally infested area. Furthermore, since the amendment adds new territory to the regulated area, prompt action on this addition is necessary in order to control the movement therefrom of articles that might spread the gypsy moth. Therefore, it is found upon good cause that notice and other public procedure under the Administrative Procedure Act are impracticable and contrary to the public interest, and good cause is found for making the effective date hereof less than 30 days after its publication in the Federal Register.

(Secs. 8, 9, 37 Stat. 318, as amended; 7 U. S. C. 161, 162)

Done at Washington, D. C., this 16th day of May 1957.

[SEAL]

E. D. BURGESS,

Director, Plant Pest Control Division.

[Filed with the Division of the Federal Register, May 20, 1957, 8:52 a. m.; 22 F. R. 3511.]

[Copies of the foregoing revision were sent to all common carriers doing business in or through the affected States; also through the Post Office Department, to the postmasters in the regulated area.]

[A notice to the general public concerning the above revision was published in the following newspapers: The Hartford Courant, Hartford, Conn., May 20, 1957; the Bangor Daily News, Bangor, Maine, May 22, 1957; the Boston Daily Globe, Boston, Mass., May 30, 1957; the Union-Leader, Manchester, N. H., May 20, 1957; the Times-Union, Albany, N. Y., May 21, 1957; the Providence Evening Bulletin, Providence, R. I., May 21, 1957; and the Vermont News, Burlington, Vt., May 21, 1957.]

ANNOUNCEMENTS RELATING TO HAWAIIAN CITRUS NURSERY STOCK QUARANTINE (NO. 75)

HAWAIIAN CITRUS NURSERY STOCK QUARANTINE IS REVOKED

(Press Notice)

MAY 24, 1957.

A plant quarantine that since 1947 has prohibited shipment of citrus nursery stock from Hawaii to the United States will be revoked effective June 21, the U. S. Department of Agriculture announced today.

Revocation of this quarantine will not affect movement of citrus fruit from Hawaii since such fruit is still subject to the Hawaiian fruit and vegetable quarantine.

The original nursery stock quarantine was based on a report that citrus canker has been found infecting citrus trees on the Hawaiian islands of Oahu and Kauai. Surveys failed to disclose citrus trees infected with the disease.

TITLE 7—AGRICULTURE

CHAPTER III—AGRICULTURAL RESEARCH SERVICE, DEPARTMENT OF AGRICULTURE

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—CITRUS CANCER DISEASE FROM HAWAII

REVOCATION OF QUARANTINE

On March 19, 1957, there was published in the Federal Register (22 F. R. 1779), a notice of rule making concerning a proposal to revoke notice of quarantine No. 75 relating to the movement of citrus nursery stock from Hawaii because

of the citrus canker disease (7 CFR 301.75). After due consideration of all matters presented pursuant to the notice of rule making and under the authority of sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), the Administrator of the Agricultural Research Service hereby revokes the said notice of quarantine No. 75 (7 CFR 301.75), effective June 21, 1957. However, said notice of quarantine shall be deemed to continue in full force and effect for the purpose of sustaining any action or other proceeding with respect to any right that accrued, liability that was incurred or violation that occurred prior to said date.

This quarantine was originally imposed on September 15, 1947. Surveys by plant pathologists of the United States Department of Agriculture of citrus groves in the islands of Hawaii were conducted in 1951, 1954, and during December 1956 and January 1957. The latest survey included 5,302 trees at 93 sites. No symptoms of the citrus canker disease have been observed during any of these surveys.

Since climatic conditions in Hawaii appear to be suitable for the establishment and spread of the citrus canker disease, the negative findings over a 6-year period are considered sufficient evidence that the disease does not occur in the island. Revocation of this quarantine will not affect the movement of citrus fruits from the island, since such fruits are subject to the provisions of Hawaiian Fruits and Vegetables Quarantine No. 13.

Sec. 9, 37 Stat. 318; U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 17th day of May 1957.

[SEAL]

M. R. CLARKSON,
Acting Administrator, Agricultural Research Service.

[Filed with the Division of the Federal Register, May 22, 1957, 8:51 a. m.; 22 F. R. 3548.]

[Copies of the foregoing revocation of quarantine were sent to all common carriers plying between Hawaii and the mainland; also through the Post Office Department, to the postmasters in the Territory of Hawaii.]

[A notice to the general public concerning the revocation of above quarantine was published in the Honolulu Star-Bulletin, Honolulu, T. H., June 12, 1957.]

ANNOUNCEMENTS RELATING TO IMPORTED FIRE ANT QUARANTINE (NO. 81)

HEARING SET NOVEMBER 19 ON PROPOSED IMPORTED FIRE ANT QUARANTINE

(Press Notice)

OCTOBER 21, 1957.

A proposal to quarantine 10 States where infestations of the imported fire ant (Press release USDA 2952-57) have been found will be discussed at a public hearing November 19 in Memphis, Tenn., the U. S. Department of Agriculture announced today.

States under consideration for quarantine action are Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Texas.

The hearing will begin at 10 a. m. in the Riverview Room of the King Cotton Hotel, Memphis.

A tentative quarantine order and regulations that might be adopted, should the public hearing and other considerations determine such action warranted, is scheduled to be published in the Federal Register, October 23.

While the tentative order, if adopted, would quarantine the 10 States in their entirety, supplementary orders would restrict or prohibit interstate movement of products and articles capable of spreading infestation only from areas actually infested or likely to be infested.

The regulated products and articles would be (a) soil, sand or gravel, separately or with other things; (b) balled and burlapped nursery stock; (c) forest, field or nursery-grown woody or herbaceous plants with soil attached; (d) plants in pots or containers; (e) grass sod; (f) forest products such as stump wood or timbers if soil is attached; and (g) any other products or articles that may present a hazard of spreading infestation.

Under the proposal regulated products and articles may be treated or otherwise made eligible for movement from affected areas.

DEPARTMENT OF AGRICULTURE

AGRICULTURAL RESEARCH SERVICE

[7 CFR Part 301]

DOMESTIC QUARANTINE NOTICES

IMPORTED FIRE ANT

NOTICE OF PUBLIC HEARING ON QUARANTINING ALABAMA, ARKANSAS, FLORIDA, GEORGIA, LOUISIANA, MISSISSIPPI, NORTH CAROLINA, SOUTH CAROLINA, TENNESSEE, AND TEXAS ON ACCOUNT OF THE IMPORTED FIRE ANT AND NOTICE OF PROPOSED RULE MAKING RELATING TO SUCH QUARANTINE AND SUPPLEMENTAL REGULATIONS

The Administrator of the Agricultural Research Service has information that infestations of the imported fire ant (*Solenopsis saevissima richteri* Forel), a dangerous insect not heretofore widely prevalent or distributed within and throughout the United States, have been discovered in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Texas.

It is therefore proposed, under the authority of sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162) and sections 103 and 106 of the Federal Plant Pest Act of May 23, 1957 (Pub. Law 85-36; 71 Stat. 32, 33), to quarantine the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Texas, and to restrict or prohibit the movement from said States, or from any locations therein designated as regulated, of products and articles that may spread such ants, and to regulate the movement of such ants, as is hereinafter more specifically stated.

Notice is hereby given in accordance with section 8 of the Plant Quarantine Act of August 20, 1912, as amended (37 Stat. 318, as amended; 7 U. S. C. 161), that a public hearing will be held before a representative of the Agricultural Research Service in the Riverview Room of the King Cotton Hotel, Jefferson on Front Street, Memphis, Tennessee, at 10 a. m., November 19, 1957, at which hearing any interested person may appear and be heard, either in person or by attorney, on the proposals.

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Administrator of the Agricultural Research Service is considering issuing a notice of quarantine and regulations to read substantially as follows if it is determined, after hearing, that the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Texas should be quarantined as proposed:

SUBPART—IMPORTED FIRE ANT

QUARANTINE

Sec.	
301.81	Notice of quarantine.

REGULATIONS

301.81-1	Definitions.
301.81-2	Designation of regulated area.
301.81-3	Imported fire ant; conditions of movement.
301.81-4	Other regulated articles; conditions of movement.
301.81-5	Use of certificates or limited permits with shipments.
301.81-6	Protecting certified articles.
301.81-7	Conditions governing the issuance of certificates and limited permits.
301.81-8	Assembly of articles for inspection.
301.81-9	Cancellation of certificates or limited permits.
301.81-10	Inspection and disposal.
301.81-11	Nonliability of Department.

QUARANTINE

§ 301.81 *Notice of quarantine.* Under the authority conferred by sections 8 and 9 of the Plant Quarantine Act, as amended (7 U. S. C. 161, 162), and sections 103 and 106 of the Federal Plant Pest Act (Pub. Law 85-36, 71 Stat. 32, 33), and after public hearing, it has been determined that it is necessary to quarantine the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Texas, to prevent the spread of the

imported fire ant, a dangerous insect not heretofore widely prevalent or distributed within and throughout the United States, which is injurious to cultivated crops such as potatoes, peanuts, cabbage, egg plant and okra; to germinating seeds such as corn seed; to grass and other plants of pasture land; and to other plants; and regulations are hereinafter prescribed (§§ 301.81-1 to 301.81-11) governing the movement of the imported fire ant and carriers thereof. Hereafter the following shall not be shipped, deposited for transmission in the mail, offered for shipment, received for transportation, carried, otherwise transported or moved, or allowed to be moved, by mail or otherwise, by any person, from the quarantined States into or through any other State, Territory, or District of the United States in any manner or method or under conditions other than those prescribed in the regulations as from time to time amended: (a) Soil, sand or gravel, separately or with other things; (b) balled and burlapped nursery stock; (c) forest, field or nursery-grown woody or herbaceous plants with soil attached; (d) plants in pots or containers; (e) grass sod; (f) forest products such as stump wood or timbers if soil is attached; and (g), unlimited by the foregoing, any other products or articles of any character whatsoever not within (a) through (f) when it is determined in accordance with the regulations that they present a hazard of spread of the imported fire ant. Moreover, movement of products and articles, designated above from a quarantined State, or portion thereof, into or through another quarantined State, or portion thereof, may be restricted or prohibited under the regulations. The requirements of this quarantine and the regulations in this subpart with respect to such products and articles shall be limited to the area in any quarantined State which may be designated as within the regulated area as provided in the regulations, as long as in the judgment of the Administrator of the Agricultural Research Service, the enforcement of the regulations as to such regulated area will be adequate to prevent the spread of the imported fire ant, except that such limitation is further conditioned upon the affected State's providing regulations for and enforcing control of the movement within such State of live imported fire ants and the other regulated articles under the same conditions as those which apply to their interstate movement under the provisions of the currently existing Federal quarantine and other regulations in this subpart, and upon the State's providing regulations for and enforcing such sanitation measures with respect to such area or portions thereof as, in the judgment of said Administrator, are adequate to prevent the spread of imported fire ants within such State. Moreover, whenever the Director of the Plant Pest Control Division shall find that facts exist as to the pest risk involved in the movement of one or more of the products or articles to which the regulations apply, making it safe to modify, by making less stringent, the requirements contained in the regulations, except § 301.81-3, he shall set forth and publish such finding in administrative instructions, specifying the manner in which the regulations should be made less stringent, whereupon such modification shall become effective for such period and for all or such portion of such regulated area and for such products and articles as shall be specified in said administrative instructions, and every reasonable effort shall be made to give publicity to such administrative instructions throughout the affected area. Under the Federal Plant Pest Act, no person shall knowingly move any imported fire ants in any living stage of development, into or through the United States or from any State, Territory, or District of the United States into or through any other such State, Territory, or District, or knowingly accept delivery of such imported fire ants so moving, unless such movement is authorized under permit from the Department of Agriculture and is made in accordance with any conditions in the permit and applicable provisions of this subpart.

REGULATIONS

§ 301.81-1 *Definitions.* For the purposes of the provisions in this subpart, except where the context otherwise requires, the following terms shall be construed respectively to mean:

(a) *Imported fire ant.* The insect known as the imported fire ant (*Solenopsis saevissima richteri* Forel) in any stage of development.

(b) *Infestation.* The presence of the imported fire ant.

(c) *Regulated area.* The counties, parishes and other minor civil divisions, or parts thereof, designated in administrative instructions under § 301.81-2 as regulated area.

(d) *Eradication area.* That part of the regulated area where eradication may be undertaken as an objective, as designated in administrative instructions under § 301.81-2.

(e) *Generally infested area.* All of the regulated area, exclusive of the eradication area, designated in administrative instructions under § 301.81-2.

(f) *Regulated articles.* Imported fire ants, soil, and other products and articles of any character whatsoever, the movement of which is regulated by the imported fire ant quarantine (§ 301.81) and the regulations in §§ 301.81-1 through 301.81-11.

(g) *"Moved"* (*"movement," "move"*). Shipped, deposited for transmission in the mail, offered for shipment, received for transportation, carried, otherwise transported or moved, or allowed to be moved, by mail or otherwise, by any person, interstate, directly or indirectly. *"Movement"* and *"move"* shall be construed accordingly.

(h) *Interstate.* From any State, Territory, or District (including possessions and the District of Columbia) of the United States into or through any other such State, Territory, or District.

(i) *Certificate.* A document evidencing compliance with the requirements of this subpart.

(j) *Limited permit.* A document authorizing the movement of regulated articles to a restricted destination for limited handling, utilization, or processing.

(k) *Dealer-carrier agreement.* An agreement to comply with stipulated conditions, executed by persons engaged in purchasing, assembling, exchanging, handling, processing, utilizing, treating, or moving regulated articles.

(l) *Administrative instructions.* Documents relating to the enforcement of the provisions in this subpart issued under authority of such provisions by the Director of the Plant Pest Control Division, Agricultural Research Service.

(m) *Inspector.* An inspector of the United States Department of Agriculture.

(n) *Person.* This term includes any corporation, partnership, firm, company, joint stock company, society, or association, as well as any individual.

§ 301.81-2 *Designation of regulated area.* The Director of the Plant Pest Control Division, shall, from time to time, in administrative instructions promulgated by him, list the counties, parishes, and other minor civil divisions, or parts thereof, in the quarantined States, in which infestation has been determined to exist, or in which it has been determined infestation is likely to exist, or which it is deemed necessary to regulate because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities, and shall designate such civil divisions and parts thereof, as constituting the regulated area. Any civil division, or part thereof, so designated shall continue in a regulated status until the Director of the Plant Pest Control Division shall have determined that adequate eradication measures have been practiced for a sufficient length of time to eradicate the imported fire ant therein and the regulation of such area is not otherwise necessary under this section, and shall have issued administrative instructions revoking the designation of such civil division, or part thereof, as coming within the regulated area. The Director of the Plant Pest Control Division may, in said administrative instructions, divide the regulated area into an eradication area and a generally infested area.

§ 301.81-3 *Imported fire ant; conditions of movement.* Live imported fire ants may be moved from any State, Territory, or District of the United States into or through any other such State, Territory, or District, and delivery of such imported fire ants so moving may be accepted, only if such movement is made for scientific purposes under specific permit from the Director of the Plant Pest Control Division and in accordance with such conditions as may be required in such permit by the Director. The permit shall be securely attached to the outside of the container of the imported fire ants when they are so moved.

§ 301.81-4 *Other regulated articles; conditions of movement—(a) Designated articles.* Unless exempted by administrative instructions, the following may be moved from the regulated area into or through any point outside thereof, or from the generally infested area into or through the eradication area, only if accompanied by a valid certificate or limited permit issued in compliance with § 301.81-7 and if the applicable requirements of §§ 301.81-5 and 301.81-6 are also met: Soil, sand or gravel, separately or with other things; balled and burlapped nursery stock; forest, field or nursery-grown woody or herbaceous plants with soil attached; plants in pots or containers; grass sod; and forest products such as stump wood or timbers if soil is attached. However, regulated articles of kinds within this paragraph which originate outside of the regulated area and are moving through or are being reshipped from the regulated area,

may be moved from the regulated area and from the generally infested area into or through the eradication area, without further restriction under this subpart when their point of origin is clearly indicated, when their identity has been maintained, and when they have been safeguarded against infestation while in the regulated area in a manner satisfactory to an inspector and do not present a hazard of spread of the imported fire ant. Otherwise such regulated articles shall be subject to all applicable requirements under this subpart for articles originating in the regulated area.

(b) *Articles determined to present hazards.* When it has been determined by an inspector that, due to contamination with the imported fire ant, or any other reason, a hazard of spread of the ant is presented by any products or articles of any character whatsoever, not covered by paragraph (a) of this section or by § 301.81-3, notice of such fact shall be given to the person having custody thereof. Thereafter, such contaminated products and articles may be moved from the regulated area into or through any point outside thereof, or from the generally infested area into or through the eradication area, only after they have been cleaned, treated or otherwise disinfested to the satisfaction of the inspector or when they are moving under limited permit as required by the inspector.

§ 301.81-5 *Use of certificates or limited permits with shipments.* Every container of regulated articles, or if there is none the article itself, required to have a certificate or limited permit under § 301.81-4 shall have such certificate or permit securely attached to the outside thereof, when offered for movement under said section, except that where the regulated articles are adequately described on a certificate or limited permit attached to the waybill, the attachment of a certificate or limited permit to each container of the articles, or to the article itself, will not be required.

§ 301.81-6 *Protecting certified articles.* Subsequent to certification as provided in § 301.81-7, regulated articles must be loaded, handled, and shipped, only under such protection and safeguards against infestation as are required by the inspector.

§ 301.81-7 *Conditions governing the issuance of certificates and limited permits—(a) Certificates.* Certificates may be issued by the inspector for the movement of the regulated articles designated in § 301.81-4 (a) under any one of the following conditions:

(1) When, in the judgment of the inspector, they have not been exposed to infestation.

(2) When they have been examined by the inspector and found to be free of infestation.

(3) When they have been treated under the observation of the inspector and in accordance with methods selected by him from administratively authorized procedures known to be effective under the conditions in which applied.

(4) When grown, produced, stored, or handled in such manner that, in the judgment of the inspector, no infestation would be transmitted thereby.

(b) *Limited permits.* Limited permits may be issued by the inspector for the movement of noncertified regulated articles under § 301.81-4 to specified destinations for limited handling, utilization, or processing.

(c) *Dealer-carrier agreement.* As a condition of issuance of certificates or limited permits for the movement of regulated articles, any person engaged in purchasing, assembling, exchanging, handling, processing, utilizing, treating, or moving such articles may be required to sign a dealer-carrier agreement stipulating that he will maintain such safeguards against the establishment and spread of infestation and comply with such conditions as to the maintenance of identity, handling, and subsequent movement of such articles and the cleaning and treatment of means of conveyance and containers used in the transportation of such articles as may be required by the inspector.

§ 301.81-8 *Assembly of articles for inspection.* Persons intending to move any of the regulated articles under § 301.81-4 shall make application for inspection as far in advance as possible, shall so handle such articles as to safeguard them from infestation, and shall assemble them at such points and in such manner as the inspector shall designate to facilitate inspection.

§ 301.81-9 *Cancellation of certificates or limited permits.* Certificates or limited permits for any regulated articles issued under the regulations in this subpart may be withdrawn or cancelled and further certificates or permits for such articles may be refused by the inspector whenever he determines that the further use of such certificates or permits might result in the spread of the imported fire ant.

§ 301.81-10 *Inspection and disposal.* Any properly identified inspector is authorized to stop and inspect, without a warrant, any person or means of conveyance moving from any State, Territory, or District of the United States into or through any other such State, Territory, or District and any plant pest and any product and article of any character whatsoever carried thereby, upon probable cause to believe that such means of conveyance, product, or article is infested or infected by or contains any plant pest or is moving subject to this subpart or any other regulations under the Federal Plant Pest Act or that such person or means of conveyance is carrying any plant pest subject to that act, and to stop and inspect, without a warrant, any means of conveyance so moving, upon probable cause to believe it is carrying any product or article prohibited or restricted movement under the Plant Quarantine Act or any quarantine or order thereunder. Such inspector is authorized to seize, destroy, or otherwise dispose of, or require disposal of, products, articles, means of conveyance, and plant pests in accordance with section 105 of the Federal Plant Pest Act and section 10 of the Plant Quarantine Act.

§ 301.81-11 *Nonliability of Department.* The United States Department of Agriculture disclaims liability for any cost incident to inspection or treatment required under the provisions in this subpart, other than for the services of the inspector.

The purpose of the proposed quarantine and regulations is to prevent the spread of the imported fire ant from the States where it is known to occur to other parts of the United States. The proposed regulations would provide methods whereby host material may be inspected and treated or otherwise made eligible for interstate movement from the regulated area. The regulations would also govern the interstate movement of live imported fire ants for scientific purposes.

All persons who desire to submit written data, views, or arguments in connection with the proposed quarantine and supplemental regulations should file the same with the Director of the Plant Pest Control Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D. C., on or before November 19, 1957, or with the presiding officer at the hearing provided for above.

(Sec. 9, 37 Stat. 318, secs. 103, 106, Pub. Law 85-36, 71 Stat. 32, 33; 7 U. S. C. 162. Interprets or applies secs. 8 and 10, 37 Stat. 315, as amended, 7 U. S. C. 161, 164a; secs. 105 and 107, Pub. Law 85-36, 71 Stat. 32, 34)

Done at Washington, D. C., this 18th day of October 1957.

[SEAL]

M. R. CLARKSON,
Acting Administrator, Agricultural Research Service.

[Filed with the Division of the Federal Register, October 22, 1957, 8:58 a. m.; 22 F. R. 8310.]

ANNOUNCEMENTS RELATING TO JAPANESE BEETLE QUARANTINE (NO. 48)

P. P. C. 611, Rev.

Effective April 19, 1957

TITLE 7—AGRICULTURE

CHAPTER III—AGRICULTURAL RESEARCH SERVICE, DEPARTMENT OF AGRICULTURE

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—JAPANESE BEETLE

AMENDED ADMINISTRATIVE INSTRUCTIONS PRESCRIBING AIRCRAFT DISINSECTIZATION PROCEDURES

Pursuant to § 301.48-8 of the regulations supplemental to the Japanese Beetle Quarantine (7 CFR 301.48-8) under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162) and Administrative Memorandum No. 101.1 issued on February 21, 1957, by the Administrator of the Agricultural Research Service, the administrative instructions prescribing seasonal disinsectization procedures for certain aircraft to be moved interstate from Japanese beetle regulated areas (7 CFR 301.48-8a) are hereby amended to read as follows, effective on and after April 19th, 1957:

§ 301.48-8a *Administrative instructions prescribing seasonal disinsectization procedures for aircraft*—(a) *Purpose.* To prevent the spread of Japanese beetles by aircraft from infested to noninfested areas of the United States.

(b) *Responsibility.* It will be the responsibility of aircraft operators receiving notice under paragraph (c) of this section to supply materials and equipment and to disinsectize aircraft as required by these administrative instructions. Suitable records of such treatments should be made in the aircraft log, weight and balance manifest, or cargo manifest, as evidence of compliance with these instructions. For purposes of this order, these records need not be maintained beyond the calendar year in which recorded.

(c) *Flights affected.* Disinsectization in accordance with paragraph (d) of this section will be required of all daylight flights of aircraft to be moved interstate from any Japanese beetle regulated area as described in § 301.48-2, to any nonregulated area or any protected area when such flights are made from such fields and during such periods of the summer as may be determined by the inspector to involve hazards of Japanese beetle spread. Planes exposed to infestation during daylight hours but departing thereafter from such fields and during such periods must also be treated. Infestations in past years have occurred generally East of the Appalachian Mountains from Boston, Massachusetts, to Norfolk, Virginia, and in Pittsburgh, Pennsylvania, and Clarksburg and Morgantown, West Virginia. It is anticipated that aircraft disinsectization will be required in these same areas but it may also be required in other areas. The inspector will give advance notice of disinsectization requirements to the operators of the fields concerned.

(d) *Treatment.* The following insecticide and disinsectization method are prescribed:

(1) An insecticidal aerosol composed of any one of the following formulas will be acceptable:

G-382

	<i>Percent</i>
Pyrethrum extract (20% pyrethrins)-----	5.0
DDT-----	3.0
Cyclohexanone-----	5.0
Lubricating oil (SAE 30)-----	2.0
Dichlorodifluoromethane (Freon-12 or Genetron-12)-----	85.0

G-651

Pyrethrum extract (20% pyrethrins)-----	6.0
DDT-----	2.0
Aromatic petroleum derivative solvent (Velsicol AR60 or Socony Vacuum 544G)-----	8.0
Dichlorodifluoromethane (Freon-12 or Genetron-12)-----	84.0

G-1029

Pyrethrum extract (20% pyrethrins)-----	6.0
DDT-----	2.0
Aromatic petroleum derivative solvents:	
(Velsicol AR60 or Socony Vacuum 544G)-----	6.0
(Velsicol AR50 or Socony Vacuum 544C)-----	2.0
Fluorotrichloromethane (Freon-11 or Genetron-11)-----	25.2
Dichlorodifluoromethane (Freon-12 or Genetron-12)-----	58.8

G-1152

Pyrethrum extract (20% pyrethrins)-----	5.0
DDT-----	3.0
Cyclohexanone-----	5.0
Lubricating oil (SAE 30)-----	2.0
Fluorotrichloromethane (Freon-11 or Genetron-11)-----	25.5
Dichlorodifluoromethane (Freon-12 or Genetron-12)-----	59.5

(2) The method of disinsectization shall be as follows:

(i) The insecticide shall be dispersed throughout the fuselage in the amount of not less than 35 grams for each 1,000 cubic feet of enclosed space in the manner prescribed by the inspector. The fuselage shall be kept closed for at least 5 minutes after such dispersal, and thereafter shall be protected from infestation prior to loading.

(ii) The insecticide shall be dispersed before the plane is loaded, and in the absence of passengers, crew, or any other person, and before loading of any baby chicks or other animals.

(iii) On flights proceeding nonstop to destinations outside the regulated area, a like dosage shall be dispersed in all baggage compartments after loading and before departure.

(iv) On flights not proceeding nonstop to destinations outside the regulated area, such a dosage shall be dispersed in all baggage compartments after loading before departure from each infested field within the regulated area.

(e) *Residual sprays.* Residual sprays shall be applied to the walls and floors of baggage and freight compartments of all aircraft to be moved interstate from any Japanese beetle regulated area described in § 301.48-2 to any nonregulated area or any protected area from such fields and during such periods of the summer as may be determined by the inspector to involve hazards of Japanese beetle spread. Such sprays shall be applied initially upon notice from the inspector and at 30-day intervals thereafter until further notice. Since there is no suitable residual spray now available commercially, airline operators will apply federally supplied residual spray material in a manner to be demonstrated by an inspector.

(f) *Liability.* No liability shall be attached to the Department of Agriculture or any of its employees for any damage sustained through or in the course of disinsectization.

(g) *Inspection of passengers and crews.* Japanese beetles are often carried into planes on the clothing and hand baggage of passengers and crew. All airline employees are requested to assist in detecting and removing such beetles at all loading points within the regulated area.

These amended instructions provide an acceptable alternate formula (G-1152) in addition to the three formulas previously authorized. They also increase from 20 to 35 grams the quantity of insecticide that shall be dispersed for each 1,000 cubic feet of enclosed space treated. Further, they require that residual sprays shall be applied to all walls of baggage and freight compartments of aircraft treated, rather than merely the lower walls of such spaces, as heretofore. The amendments are made as a result of tests conducted by the United States Department of Agriculture and are deemed necessary to effect complete disinsectization of treated planes. These amended instructions should be made effective at once in order to permit affected airlines to contract for and secure delivery of supplies of the newly-approved aerosol, if they so desire, and to readjust their treating procedures in accordance with the amended instructions. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing administrative instructions are impracticable and contrary to the public interest, and good cause is found for making the effective date thereof less than 30 days after publication in the Federal Register.

(Sec. 9, 37 Stat. 318; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

The record keeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C., this 16th day of April 1957.

[SEAL]

E. D. BURGESS,
Director, Plant Pest Control Division.

[Filed with the Division of the Federal Register, April 18, 1957, 8:57 a. m.; 22 F. R. 2729.]

ANNOUNCEMENTS RELATING TO KHAPRA BEETLE QUARANTINE (NO. 76)

Prior to the issuance of the following administrative instructions (P. P. C. 612, Fifth Revision), there were issued during 1957, supplements to the Fourth Revision as follows:

Supplement 2, published in the Federal Register and effective January 18, 1957 [22 F. R. 365].

Supplement 3, published in the Federal Register and effective February 5, 1957 [22 F. R. 717].

Supplement 4, published in the Federal Register and effective March 13, 1957 [22 F. R. 1597].

Supplement 5, published in the Federal Register and effective April 6, 1957 [22 F. R. 2310].

Supplement 6, published in the Federal Register and effective May 18, 1957 [22 F. R. 3479].

Supplement 7, published in the Federal Register and effective June 6, 1957 [22 F. R. 3955].

Copies of each of the supplements mentioned were sent to all common carriers doing business in or through the affected States. Also, appropriate notices to the general public concerning it were published in selected newspapers in the State involved.

P. P. C. 612, Fifth Revision

Effective August 10, 1957

TITLE 7—AGRICULTURE

CHAPTER III—AGRICULTURAL RESEARCH SERVICE, DEPARTMENT OF AGRICULTURE

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—KHAPRA BEETLE

REVISED ADMINISTRATIVE INSTRUCTIONS DESIGNATING PREMISES AS REGULATED AREAS

Pursuant to § 301.76-2 of the regulations supplemental to the Khapra Beetle Quarantine (7 CFR 301.76-2) under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), revised administrative instructions are hereby issued as follows, listing warehouses, mills, and other premises in which infestations of the Khapra beetle have been determined to exist and designating such premises as regulated areas within the meaning of said quarantine and regulations.

§ 301.76-2a *Administrative instructions designating certain premises as regulated areas under the khapra beetle quarantine and regulations.* Infestations of the khapra beetle have been determined to exist in the warehouses, mills, and other premises listed in paragraphs (a) and (b) of this section. Accordingly, such warehouses, mills, and other premises are hereby designated as regulated areas within the meaning of the provision in this subpart:

(a)

ARIZONA

Cortaro Cotton and Cattle Company Ranch, Casa Grande Highway and Picture Rock Road, Tucson.

East Broadway Trading Company property, 2410 East Broadway, Phoenix.

Farm & Ranch Service property, 4419 South 16th Street, Phoenix.

Ray Luster Farm, Box 246, Pima.

Miller Ranch, Starr Route, Mammoth.

Miller Ranch Dry Camp No. 1, General Delivery, Mammoth.

Miller Ranch No. 2 (Holy Joe Camp), General Delivery, Mammoth.

Miller Ranch, Holy Joe Camp No. 3, General Delivery, Mammoth.

Miller Ranch Camp No. 4 (Absie or Haunted Corral Camp), General Delivery, Mammoth.

Saliba's Market, P. O. Box 37, El Mirage.

Trader Joe's property, 1937 East Indian School Road, Phoenix.

CALIFORNIA

Brown's Livestock Company property, 1761 Atlas Peak Road, Napa.

Cauzza Ranch, Route 2, Box 21, Eucalyptus Lane, Imperial.

D. V. B. Ranch, located at the intersection of roads East Z-4 and 22. Mail address East Highline Canal, Holtville.

C. C. Huff Farm, Route 2, Box 46, Imperial.

Eugene B. Kinnaird Ranch, on Magnolia Avenue, one mile east of Highway 115. Mail address P. O. Box 681, Holtville.

C. E. Kline Ranch, Route 2, Box 282, El Centro.

James Nickell property, 1109 West Ninth Street, Holtville.

Raleigh Roberts Farm, Route 5, Box 2405, Oroville.

Karm Singh property, Calipatria.

NEW MEXICO

M. M. Martin Farm, located 11 miles south of Tolar.

(b) The portion of each of the following premises in which live khapra beetles were found has received the approved fumigation treatment, but these premises must continue under frequent observation and inspection for a period of one year following fumigation before a determination can be made as to the adequacy of such treatment to eradicate the khapra beetle in and upon such premises. During this period regulated articles may be moved from the premises only in accordance with the regulations in this subpart.

ARIZONA

La Salvia Dairy, Box 116, Laveen Stage, Phoenix.

CALIFORNIA

John Binnell (chicken ranch), 1607 South Cucamonga Avenue, Ontario.

Cal-Feed Feed Yard, located 2 miles south of Orita, 1½ miles east on Oxalis Canal, Brawley.

Louis Carano Ranch, east of Southern Pacific Railroad tracks at intersection of County Roads East B and No. 8, 1 mile south of Heber.

Union Development Co. Warehouse, located approximately 100 yards south of intersection of County Roads No. 86 and West A, Niland.

This revision specifies in one document the warehouses, mills, and other premises that were designated as khapra beetle regulated areas in administrative instructions contained in P. P. C. 612, Fourth Revision (7 CFR, 1956 Supp., 301.76-2a), as amended by Supp. 2, 22 F. R. 365, January 18, 1957; Supp. 3, 22 F. R. 717, February 5, 1957; Supp. 4, 22 F. R. 1597, March 13, 1957; Supp. 5, 22 F. R. 2310, April 6, 1957; Supp. 6, 22 F. R. 3479, May 18, 1957; and Supp. 7, 22 F. R. 3955, June 6, 1957; and that are still in that status. This revision supersedes the aforesaid administrative instructions and supplements thereto.

This revision revokes the designation as regulated areas of certain premises in Arizona and California, it having been determined by the Director of the Plant Pest Control Branch that adequate sanitation measures have been practiced for a sufficient length of time to eradicate the khapra beetle in and upon such premises. It also adds certain premises in Arizona and California to the list of premises in which khapra beetle infestations have been determined to exist, and designates such premises as regulated areas under the khapra beetle quarantine and regulations.

As an informative item, the revision also segregates certain regulated premises in Arizona and California where the approved fumigation treatment has been applied to the portion of the premises in which live khapra beetles were found and which are consequently in a somewhat different category than untreated premises.

This revision shall be effective August 10, 1957.

These instructions, in part, impose restrictions supplementing khapra beetle quarantine regulations already effective. They also relieve restrictions insofar as they revoke the designation of certain regulated areas. They must be made effective promptly in order to carry out the purposes of the regulations and to be of maximum benefit in permitting the interstate movement, without restriction under the quarantine, of regulated products from the premises being removed from designation as regulated areas. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing administrative instructions are impracticable and contrary to the public interest, and good cause is found for making the effective date thereof less than 30 days after publication in the Federal Register.

(Sec. 9, 37 Stat. 318, 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended, 7 U. S. C. 161)

Done at Washington, D. C., this 7th day of August 1957.

[SEAL]

E. D. BURGESS,

Director, Plant Pest Control Division.

[Filed with the Division of the Federal Register, August 9, 1957, 8:48 a. m.; 22 F. R. 6407.]

[Copies of the foregoing revision were sent to all common carriers doing business in or through the affected States.]

[A notice to the general public concerning the above revision was published in the following newspapers: The Arizona Republic, Phoenix, Ariz., August 14, 1957; the Sacramento Bee, Sacramento, Calif., August 13, 1957; and the Albuquerque Journal, Albuquerque, N. Mex., August 13, 1957.]

Supplement 1 to the foregoing Fifth Revision was published in the Federal Register and effective September 12, 1957 [22 F. R. 7267]. Copies of supplement 1 were sent to all common carriers doing business in or through the affected States. Also, appropriate notice to the general public concerning it were published in selected newspapers in the States involved.

P. P. C. 612, Sixth Revision

Effective November 7, 1957

TITLE 7—AGRICULTURE

CHAPTER III—AGRICULTURAL RESEARCH SERVICE, DEPARTMENT OF AGRICULTURE

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—KHAPRA BEETLE

REVISED ADMINISTRATIVE INSTRUCTIONS DESIGNATING PREMISES AS REGULATED AREAS

Pursuant to § 301.76-2 of the regulations supplemental to the Khapra Beetle Quarantine (7 CFR 301.76-2) under sections 8 and 9 of the Plant Quarantine

Act of 1912, as amended (7 U. S. C. 161, 162), revised administrative instructions are hereby issued as follows, listing premises in which infestations of the khapra beetle have been determined to exist and designating such premises as regulated areas within the meaning of said quarantine and regulations.

§ 301.76-2a *Administrative instructions designating certain premises as regulated areas under the khapra beetle quarantine and regulations.* Infestations of the khapra beetle have been determined to exist in the premises listed in paragraphs (a) and (b) of this section. Accordingly, such premises are hereby designated as regulated areas within the meaning of the provisions in this subpart:

(a)

ARIZONA

Leo Ellsworth Feed Lot, P. O. Box 388, Queen Creek.

CALIFORNIA

C. C. Huff Farm, Route 2, Box 46, Imperial.
C. E. Kline Ranch, Route 2, Box 282, El Centro.
Panner & Firoved property, Arvin.
Raleigh Roberts Farm, Route 5, Box 2405, Oroville.

(b) The portion of each of the following premises in which live khapra beetles were found has received the approved fumigation treatment, but these premises must continue under frequent observation and inspection for a period of one year following fumigation before a determination can be made as to the adequacy of such treatment to eradicate the khapra beetle in and upon such premises. During this period regulated articles may be moved from the premises only in accordance with the regulations in this subpart.

ARIZONA

La Salvia Dairy, Box 116, Laveen Stage, Phoenix.

CALIFORNIA

John Binnell (chicken ranch), 1607 South Cucamonga Avenue, Ontario.
Cal-Ped Feed Yard, located 2 miles south of Orita, 1½ miles east on Oxalis Canal, Brawley.
Union Development Co. Warehouse, located approximately 100 yards south of intersection of County Roads No. 86 and West A, Niland.

NEW MEXICO

M. M. Martin Farm, located 11 miles south of Tolar.

Subsequent to the fifth revision, supplement 1, effective September 12, 1957, an infestation of the khapra beetle was discovered in the D. D. Dfal Chicken Yard, Sandy Route, Kingman. Movement of regulated articles from this property was immediately stopped. Within a few days such infested premises had been fumigated and declared free of khapra beetle infestation. Accordingly, this property is not being included in this revision.

This revision specifies in one document the premises that were designated as khapra beetle regulated areas in administrative instructions contained in P. P. C. 612, Fifth Revision, effective August 10, 1957 (22 F. R. 6407), as amended September 12, 1957 (22 F. R. 7267); and that are still in that status. This revision supersedes the aforesaid administrative instructions and amendment thereto.

This revision has the effect of revoking the designation as regulated areas of certain premises in Arizona and California, it having been determined by the Director of the Plant Pest Control Division that adequate sanitation measures have been practiced for a sufficient length of time to eradicate the khapra beetle in and upon such premises. It also adds certain premises in Arizona and California to the list of premises in which khapra beetle infestations have been determined to exist, and designates such premises as regulated areas under the khapra beetle quarantine and regulations.

As an informative item, the revision also segregates certain regulated premises in Arizona, California, and New Mexico where the approved fumigation treatment has been applied to the portion of the premises in which live khapra beetles were found and which are consequently in a somewhat different category than untreated premises.

This revision shall be effective November 7, 1957.

These instructions, in part, impose restrictions supplementing khapra beetle quarantine regulations already effective. They also relieve restrictions insofar as they revoke the designation of certain regulated areas. They must be made effective promptly in order to carry out the purposes of the regulations and to

be of maximum benefit in permitting the interstate movement, without restriction under the quarantine, of regulated products from the premises being removed from designation as regulated areas. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing administrative instructions are impracticable and contrary to the public interest, and good cause is found for making the effective date thereof less than 30 days after publication in the Federal Register.

(Sec. 9, 37 Stat. 318, 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended, 7 U. S. C. 161)

Done at Washington, D. C., this 29th day of October 1957.

[SEAL]

L. F. CURL,

Acting Director, Plant Pest Control Division.

[Filed with the Division of the Federal Register, November 6, 1957, 8:49 a. m.; 22 F. R. 8927.]

[Copies of the foregoing revision were sent to all common carriers doing business in or through the affected States.]

[A notice to the general public concerning the above revision was published in the following newspapers: The Arizona Republic, Phoenix, Ariz., November 15, 1957; and the Sacramento Bee, Sacramento, Calif., November 13, 1957.]

P. P. C. 612, Seventh Revision

Effective December 18, 1957

TITLE 7—AGRICULTURE

CHAPTER III—AGRICULTURAL RESEARCH SERVICE, DEPARTMENT OF AGRICULTURE

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—KHAPRA BEETLE

REVISED ADMINISTRATIVE INSTRUCTIONS DESIGNATING PREMISES AS REGULATED AREAS

Pursuant to § 301.76-2 of the regulations supplemental to the Khapra Beetle Quarantine (7 CFR 301.76-2) under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), revised administrative instructions are hereby issued as follows, listing premises in which infestations of the khapra beetle have been determined to exist and designating such premises as regulated areas within the meaning of said quarantine and regulations.

§ 301.76-2a *Administrative instructions designating certain premises as regulated areas under the khapra beetle quarantine and regulations.* Infestations of the khapra beetle have been determined to exist in the premises listed in paragraphs (a) and (b) of this section. Accordingly, such premises are hereby designated as regulated areas within the meaning of the provisions in this subpart:

(a)

ARIZONA

Hayden Flour Mills, 600 West 22d Street, Tucson.
Vincent Humeumtewa Farm, Route 1, P. O. Box 59, Parker.
Richard Kinlichee Farm, Poston.
Nihighan Farm Incorporated (dairy), 3663 North Dodge Boulevard, Tucson.
Howard Sakiestewa Farm, south of Parker, Route 1, P. O. Box 49, Parker.
Morris Sevada Farm, Route 1, P. O. Box 55, Parker.
Tiemann Feed and Supply property, 2001 North Stone Avenue, Tucson.

CALIFORNIA

P. Callo property, located 2 miles west of the intersection of Roads 90 and West C on the south side of Road 90, P. O. Box 44, Niland.
Floyd B. Carrion property, located eight-tenths mile west of Lincoln Street on the south side of Avenue 70, P. O. Box 564, Mecca.
Erinio Jacobs property, located at the intersection of Road 88 and West C, P. O. Box 1304, Niland.
Kido Farms, located at the intersection of Roads 86 and West A, P. O. Box 587, Niland.
Kimiko Ishimino property, located at the intersection of Roads 86 and East D, P. O. Box 417, Niland.
J. M. Lask property, 331 First Street, P. O. Box 631, Niland.
Tom Mejia property, located at the southwest corner of the intersection of Roads 90 and West C, P. O. Box 662, Niland.
J. O. Pairsh Farm property, P. O. Box 138, Holtville.
Penner & Firoved Farm Storage, Sec. 1, T. 11 N., R. 19 E., Arvin.
Penner & Firoved Feed Lot, Sec. 12, T. 11 N., R. 19 E., Arvin.

Eugene P. Santos property, located 1 mile south of Wister Station on Highway 111, P. O. Box 551, Niland.
 Andy (Ray) Soriano property, located at the intersection of Roads 81 and East D, P. O. Box 1317, Niland.
 United Food Center (Mr. Mah, owner), Niland.
 United Food Store, Highway 111, Niland.
 Martin Valdez property, located at the intersection of Roads 90 and West E, P. O. Box 403, Niland.
 Delbert H. Valla property (formerly Gunterman Ranches), located at the intersection of Road 14 and East L Street, Calexico.
 C. R. Natividad Vista property, 517 Fifth Street, P. O. Box 570, Niland.

(b) The portion of each of the following premises in which live khapra beetles were found has received the approved fumigation treatment, but these premises must continue under frequent observation and inspection for a period of one year following fumigation before a determination can be made as to the adequacy of such treatment to eradicate the khapra beetle in and upon such premises. During this period regulated articles may be moved from the premises only in accordance with the regulations in this subpart.

ARIZONA

La Salvia Dairy, Box 116, Laveen Stage, Phoenix.

CALIFORNIA

John Binnell (chicken ranch), 1607 South Cucamonga Avenue, Ontario.
 Cal-Fed Feed Yard, located 2 miles south of Orita, 1½ miles east on Oxalis Canal, Brawley.
 C. C. Huff Farm, Route 2, Box 46, Imperial.
 C. E. Kline Ranch, Route 2, Box 282, El Centro.
 Raleigh Roberts Farm, Route 5, Box 2405, Oroville.
 Union Development Co. Warehouse, located approximately 100 yards south of the intersection of County Roads No. 86 and West A, Niland.

NEW MEXICO

M. M. Martin Farm, located 11 miles south of Tolar.

Subsequent to the sixth revision, effective November 7, 1957, an infestation of the khapra beetle was discovered on the premises of the Phoenix Indian School property, 4100 Rhoads Circle, Phoenix, Arizona; Bud E. Baldwin property,, located one-fourth mile west of Lovekin on the south side of Avenue 14, Blythe, California; and John C. Freeman property, located at 501 North Lovekin, Blythe, California. Movement of regulated articles from these properties was immediately stopped. Within a few days such infested premises had been fumigated and declared free of khapra beetle infestation. Accordingly, these properties are not being included in this revision.

This revision has the effect of revoking the designation as regulated areas of certain premises in Arizona, it having been determined by the Director of the Plant Pest Control Division that adequate sanitation measures have been practiced for a sufficient length of time to eradicate the khapra beetle in and upon such premises. It also adds certain premises in Arizona and California to the list of premises in which khapra beetle infestations have been determined to exist, and designates such premises as regulated areas under the khapra beetle quarantine and regulations.

As an informative item, the revision also segregates certain regulated premises in Arizona, California, and New Mexico where the approved fumigation treatment has been applied to the portion of the premises in which live khapra beetles were found and which are consequently in a somewhat different category than untreated premises.

These administrative instructions shall become effective December 18, 1957, when they shall supersede P. P. C. 612, Sixth Revision, effective November 7, 1957 (22 F. R. 8927).

These instructions, in part, impose restrictions supplementing khapra beetle quarantine regulations already effective. They also relieve restrictions insofar as they revoke the designation of certain regulated areas. They must be made effective promptly in order to carry out the purposes of the regulations and to be of maximum benefit in permitting the interstate movement, without restriction under the quarantine, of regulated products from the premises being removed from designation as regulated areas. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing administrative instructions are impracticable and contrary to the public interest, and good

cause is found for making the effective date thereof less than 30 days after publication in the Federal Register.

(Sec. 9, 37 Stat. 318, 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended, 7 U. S. C. 161)

Done at Washington, D. C., this 13th day of December 1957.

[SEAL]

E. D. BURGESS,

Director, Plant Pest Control Division.

[Filed with the Division of the Federal Register, December 17, 1957, 8:50 a. m.; 22 F. R. 10119.]

[Copies of the forgoing revision were sent to all common carriers doing business in or through the affected States.]

[A notice to the general public concerning the above revision was published in the following newspapers: The Arizona Republic, Phoenix, Ariz., December 20, 1957; and the Sacramento Bee, Sacramento, Calif., December 20, 1957.]

ANNOUNCEMENTS RELATING TO MEDITERRANEAN FRUIT FLY QUARANTINE (NO. 78)

COLLIER AND HENDRY COUNTIES, FLA., REMOVED FROM MEDFLY REGULATED AREA

(Press Notice)

JANUARY 7, 1957.

Restrictions now affecting the interstate movement of fruits, vegetables, and other articles regulated under the Mediterranean fruit fly quarantine will be revoked in Collier and Hendry Counties, Fla., on January 9, the U. S. Department of Agriculture announced today.

Palm Beach County, Fla., was similarly removed from the regulated area on December 12, 1956. Florida counties remaining under regulation are Broward, Dade, Lee, and Pinellas.

No specimens of the Medfly have been found in Collier and Hendry Counties for the last 3 months, although intensive survey and trapping operations have been carried on there by Federal and State personnel. Removal of the treatment, certification, and other requirements is therefore considered safe, the Department added.

As in the case of Palm Beach County, eradication of the Medfly was accomplished in the two released counties largely by means of airplane-applied poison-bait sprays.

P. P. C. 615, Third Revision, Amdt. 2

Effective January 9, 1957

TITLE 7—AGRICULTURE

CHAPTER III—AGRICULTURAL RESEARCH SERVICE, DEPARTMENT OF AGRICULTURE

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—MEDITERRANEAN FRUIT FLY

AMENDMENT OF ADMINISTRATIVE INSTRUCTIONS DESIGNATING CERTAIN LOCALITIES AS REGULATED AREA

Pursuant to § 301.78-2 of the regulations supplemental to the Mediterranean Fruit Fly Quarantine (7 CFR Supp. 301.78-2, 21 F. R. 3214) under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), administrative instructions issued as 7 CFR Supp. 301.78-2a (21 F. R. 3216), effective May 16, 1956, as amended effective June 1, 1956, July 7, 1956, July 13, 1956, and December 12, 1956 (21 F. R. 3722, 5032, 5208, and 9787), are hereby further amended by deleting Collier and Hendry Counties, Florida, from the list of civil divisions therein designated as Mediterranean fruit fly regulated area within the meaning of the provisions in this subpart, it having been determined by the Chief of the Plant Pest Control Branch that adequate eradication measures have been practiced in said counties for a sufficient length of time to eradicate the Mediterranean fruit fly infestations therein and that regulation of said counties is not otherwise necessary under § 301.78-2. Intensive survey and trapping activities have been carried on in the counties, but no Mediterranean fruit flies

have been found there for a period of three months. Therefore, it is considered safe to release the counties from regulation.

This amendment shall be effective January 9, 1957.

The foregoing amendment relieves restrictions by removing Collier and Hendry Counties, Florida, from the list of civil divisions designated as Mediterranean fruit fly regulated area, thereby permitting interstate movement from these counties of all regulated products, including fruits and vegetables, without restriction under the quarantine. The amendment must be made effective promptly in order to permit such unrestricted movement of regulated products from the counties. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing amendment are impracticable and contrary to the public interest, and good cause is found for making the effective date thereof less than 30 days after publication in the Federal Register.

(Sec. 9, 37 Stat. 318, 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 4th day of January 1957.

[SEAL]

L. F. CURL,

Acting Chief, Plant Pest Control Branch.

[Filed with the Division of the Federal Register, January 8, 1957, 8:52 a. m.; 22 F. R. 181.]

[Copies of the foregoing amendment were sent to all common carriers doing business in or through the affected State; also through the Post Office Department, to the postmasters in the regulated area.]

[A notice to the general public concerning the above amendment was published in the Miami Herald, Miami, Fla., January 11, 1957.]

MEDFLY REGULATED AREA REDUCED TO PARTS OF TWO FLORIDA COUNTIES

(Press Notice)

APRIL 15, 1957.

Broward and Pinellas Counties and parts of Dade and Lee Counties, Fla., in which the Mediterranean fruit fly has been eradicated, will be released from Federal quarantine regulations April 16, the U. S. Department of Agriculture announced today.

Florida areas remaining under regulation comprise approximately the northern third of Dade County and the cities of Fort Myers and North Fort Myers, in Lee County. Interstate movement of certain fruits and vegetables from these areas will continue under regulation.

Intensive survey and trapping activities carried on in the areas released from the quarantine regulations have failed to disclose any Medfly infestations for a period of 3 months. Therefore the Department considers it safe to remove the treatment, certification, and other requirements that have been operative in the areas.

Eradication of the Medfly in the released areas was accomplished largely by means of airplane-applied poison bait sprays.

P. P. C. 615, Fourth Revision

Effective April 16, 1957

TITLE 7—AGRICULTURE

CHAPTER III—AGRICULTURAL RESEARCH SERVICE, DEPARTMENT OF AGRICULTURE

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—MEDITERRANEAN FRUIT FLY

ADMINISTRATIVE INSTRUCTIONS DESIGNATING CERTAIN LOCALITIES AS REGULATED AREA

Pursuant to § 301.78-2 of the regulations supplemental to the Mediterranean Fruit Fly Quarantine (7 CFR Supp. 301.78-2, 21 F. R. 3214) under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), and Administrative Memorandum No. 101.1 of February 21, 1957 issued by the Administrator of the Agricultural Research Service, administrative instructions issued as 7 CFR Supp. 301.78-2a (21 F. R. 3216), effective May 16, 1956, as amended

effective June 1, 1956, July 7, 1956, July 13, 1956, December 12, 1956, and January 9, 1957 (21 F. R. 3722, 5032, 5208, and 9787, and 22 F. R. 181), are hereby amended to read as follows:

§ 301.78-2a *Administrative instructions designating regulated area under the Mediterranean fruit fly quarantine and regulations.* Infestations of the Mediterranean fruit fly have been determined to exist in the civil divisions listed below. Accordingly, such civil divisions are hereby designated as the Mediterranean fruit fly regulated area within the meaning of the provisions in this subpart:

FLORIDA

Dade County. That area bounded on the north by the Dade-Broward County line, on the east by the Atlantic Ocean, on the south by a due east-west line projected from a point where Sunset Drive crosses U. S. Highway No. 1 south of Coral Gables to the east and west boundaries of the County, and on the west by the Dade-Collier and Dade-Monroe County line.

Lee County. That area included within the corporate limits of the cities of Fort Myers and North Fort Myers.

These amended administrative instructions shall become effective April 16, 1957.

The foregoing amendment relieves restrictions by removing Broward and Pinellas Counties and certain portions of Dade and Lee Counties from the list of civil divisions designated as Mediterranean fruit fly regulated area, it having been determined by the Director of the Plant Pest Control Division that adequate eradication measures have been practiced in said localities for a sufficient length of time to eradicate the Mediterranean fruit fly infestations therein and that regulation of such localities is not otherwise necessary under this subpart. Intensive survey and trapping activities have been carried on in the localities, but no Mediterranean fruit flies have been found there for a period of three months. Therefore, it is considered safe to release them from regulation.

The amendment therefore relieves restrictions deemed unnecessary and must be made effective promptly in order to be of maximum benefit to persons wishing to move regulated products from these localities. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing amendment are impracticable and contrary to the public interest, and since the amendment relieves restrictions it may be made effective less than 30 days after publication in the Federal Register.

(Sec. 9, 37 Stat. 318, 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 11th day of April 1957.

[SEAL]

E. D. BURGESS,
Director, Plant Pest Control Division.

[Filed with the Division of the Federal Register, April 16, 1957, 8:49 a. m.; 22 F. R. 2575.]

[Copies of the foregoing revision were sent to all common carriers doing business in or through the affected State.]

[A notice to the general public concerning the above revision was published in the Miami Herald, Miami, Fla., April 19, 1957.]

LAST REMAINING FLORIDA COUNTIES REMOVED FROM MEDFLY REGULATED AREA

(Press Notice)

MAY 16, 1957.

With the lifting on May 21 of the Mediterranean fruit fly quarantine regulations in the last remaining regulated portions of Dade and Lee Counties, Fla., the U. S. Department of Agriculture and the State of Florida will complete after a single year's campaign the eradication of this fruit and vegetable pest in all federally regulated counties of the State.

The initial quarantine was put into effect on May 16, 1956.

During the year's Federal-State cooperative campaign the Federal regulations have been operative for varying periods in the Florida counties of Broward, Collier, Dade, Hendry, Lee, Palm Beach, and Pinellas.

Extensive aerial spraying supplemented by soil treatment, spraying with ground equipment, and trapping with attractant baits has made possible the successful cooperative eradication program.

Trapping and spraying operations in isolated infestations, as well as the treatment and certification of host fruits and vegetables moving from such areas, will be continued by Florida State plant pest control authorities.

P. P. C. 615, Revocation

Effective May 21, 1957

TITLE 7—AGRICULTURE

CHAPTER III—AGRICULTURAL RESEARCH SERVICE, DEPARTMENT OF AGRICULTURE

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—MEDITERRANEAN FRUIT FLY

REVOCATION OF ADMINISTRATIVE INSTRUCTIONS DESIGNATING CERTAIN LOCALITIES AS REGULATED AREA

Pursuant to § 301.78-2 of the regulations supplemental to the Mediterranean Fruit Fly Quarantine (7 CFR Supp. 301.78-2, 21 F. R. 3214) under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), administrative instructions issued as 7 CFR Supp. 301.78-2a (21 F. R. 3216) effective May 16, 1956, as amended effective June 1, 1956, July 7, 1956, July 13, 1956, December 12, 1956, January 9, 1957, and April 16, 1957 (21 F. R. 3722, 5032, 5208, 9787, and 22 F. R. 181, 2575) are hereby revoked, effective May 21, 1957. However such instructions shall be deemed to continue in full force and effect for the purpose of sustaining any action or other proceeding with respect to any right that accrued, liability that was incurred, or violation that occurred prior to said date.

This revocation relieves restrictions by removing all portions of Dade and Lee Counties from the list of civil divisions designated as Mediterranean fruit fly regulated area, it having been determined by the Director of the Plant Pest Control Division that adequate eradication measures have been practiced in said localities for a sufficient length of time to eradicate the Mediterranean fruit fly infestation therein and that regulation of such localities is not otherwise necessary under this subpart. Intensive survey and trapping activities have been carried on in the localities, but no Mediterranean fruit flies have been found there for a period of three months. Therefore, it is considered safe to release them from regulation. This revocation removes from regulation the only remaining civil divisions retained in the latest revision of the administrative instructions effective April 16, 1957.

The revocation therefore relieves restrictions deemed unnecessary and must be made effective promptly in order to be of maximum benefit to persons wishing to move regulated products from these localities. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing revocation are impracticable and contrary to the public interest, and since the revocation relieves restrictions it may be made effective less than 30 days after publication in the Federal Register.

(Sec. 9, 37 Stat. 318, 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 15th day of May 1957.

[SEAL]

L. F. CURL,
Acting Director, Plant Pest Control Division.

[Filed with the Division of the Federal Register, May 21, 1957, 8:47 a. m.; 22 F. R. 3512.]

[Copies of the foregoing revocation were sent to all common carriers doing business in or through the affected State; also through the Post Office Department, to the postmasters in the regulated area.]

[A notice to the general public concerning the above revocation was published in the Miami Herald, Miami, Fla., May 20, 1957.]

ANNOUNCEMENTS RELATING TO MEXICAN FRUIT FLY QUARANTINE (NO. 64)

P. P. C.—Q. 64

Effective October 25, 1957

TITLE 7—AGRICULTURE

CHAPTER III—AGRICULTURAL RESEARCH SERVICE, DEPARTMENT OF AGRICULTURE

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—MEXICAN FRUIT FLY

QUARANTINE AND REGULATIONS

Pursuant to sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162) and sections 103 and 106 of the Federal Plant Pest Act of May 23, 1957 (Pub. Law 85-36; 71 Stat. 32, 33), notice of quarantine No. 64 relating to the Mexican fruit fly and the regulations supplemental to said quarantine (7 CFR 301.64, 301.64-1 et seq.) are hereby revised to read as follows:

QUARANTINE

Sec.	
301.64	Notice of quarantine.

REGULATIONS

301.64-1	Definitions.
301.64-2	Designation of regulated area.
301.64-3	Mexican fruit flies; conditions of movement.
301.64-4	Other regulated articles; conditions of movement.
301.64-5	Use of certificates or limited permits with shipments.
301.64-6	Protecting certified articles.
301.64-7	Conditions governing the issuance of certificates and limited permits.
301.64-8	Assembly of articles for inspection.
301.64-9	Cancellation or denial of certificates or limited permits.
301.64-10	Inspection and disposal.
301.64-11	Nonliability of Department.

AUTHORITY: §§ 301.64 to 301.64-11 issued under sec. 9, 37 Stat. 318, secs. 103, 106, Pub. Law 85-36; 7 U. S. C. 162. Interpret or apply secs. 8, 10, 37 Stat. 318, as amended, 45 Stat. 468, secs. 105, 107, Pub. Law 85-36; 7 U. S. C. 161, 164a.

QUARANTINE

§ 301.64 *Notice of quarantine.* Under the authority conferred by sections 8 and 9 of the Plant Quarantine Act, as amended, (7 U. S. C. 161, 162) and sections 103 and 106 of the Federal Plant Pest Act (Pub. Law 85-36, 71 Stat. 32, 33), the State of Texas which has heretofore been quarantined under said Plant Quarantine Act after public hearing, is hereby continued to be quarantined to prevent the spread of the Mexican fruit fly, a dangerous insect of foreign origin injurious to fruits and not heretofore widely prevalent or distributed within and throughout the United States, and regulations are hereinafter prescribed (§§ 301.64-1 to 301.64-11) governing the movement of the Mexican fruit fly and carriers thereof. Hereafter the following shall not be shipped, deposited for transmission in the mail, offered for shipment, received for transportation, carried, otherwise transported or moved, or allowed to be moved, by mail or otherwise, by any person, from the quarantined State into or through any other State, Territory, or District of the United States in any manner or method or under conditions other than those prescribed in the regulations as from time to time amended: (a) Fruits that are hosts of the Mexican fruit fly; and (b) fruit-picking equipment; trucks, wagons, railway cars, aircraft, boats, and other means of conveyance and containers which have been or are being used in conveying host fruits; other products and articles which have been associated with the production of, or commerce in, host fruits; and, unlimited by the foregoing, any other products and articles of any character whatsoever, not within paragraph (a) of this section; when it is determined in accordance with the regulations that the products, articles, or means of conveyance within paragraph (b) of this section present a hazard of spread of Mexican fruit flies. However, the requirements of this quarantine and the regulations in this subpart with respect to such products, articles, and means of conveyance are hereby limited to the area in the quarantined State which may be designated as regulated area as provided in the regulations, as long as in the judgment of the Administrator of the Agricultural Research Service, the enforcement of the regulations as to such regulated area will be adequate to prevent the spread of Mexican fruit flies, except that such limitation is further conditioned upon the affected State's providing

regulations for and enforcing control of the movement within such State of live Mexican fruit flies and the other regulated articles under the same conditions as those which apply to their interstate movement under the provisions of the currently existing Federal quarantine and other regulations in this subpart, and upon the State's providing regulations for and enforcing such sanitation measures with respect to such area or portions thereof as, in the judgment of said Administrator, are adequate to prevent the spread of Mexican fruit flies within such State. Moreover, whenever the Director of the Plant Pest Control Division shall find that facts exist as to the pest risk involved in the movement of one or more of the products, articles, and means of conveyance to which the regulations apply, making it safe to modify, by making less stringent, the requirements contained in the regulations,, except § 301.64-3, he shall set forth and publish such finding in administrative instructions, specifying the manner in which the regulations should be made less stringent, whereupon such modification shall become effective for such period and for such regulated area or portions thereof and for such products, articles, and means of conveyance, as shall be specified in said administrative instructions, and every reasonable effort shall be made to give publicity to such administrative instructions throughout the affected area. Under the Federal Plant Pest Act, no person shall knowingly move any Mexican fruit flies in any living stage of development, into or through the United States or from any State, Territory, or District of the United States into or through any other such State, Territory, or District, or knowingly accept delivery of such Mexican fruit flies so moving, unless such movement is authorized under permit from the Department of Agriculture and is made in accordance with any conditions in the permit and applicable provisions of this subpart.

REGULATIONS

§ 301.64-1 *Definitions.* For the purposes of the provisions in this subpart, except where the context otherwise requires, the following terms shall be construed respectively to mean:

(a) *Mexican fruit fly.* The insect known as the Mexican fruit fly (*Anastrepha ludens* (Loew)) in any stage of development.

(b) *Infestation.* The presence of the Mexican fruit fly.

(c) *Host fruits.* Fruits susceptible to infestation by the Mexican fruit fly, namely, mangoes; sapotas (including sapodillas and the fruit of all members of the family Sapotaceae and of the genus *Casimiroa* and all other fruits commonly called sapotas or sapotes); peaches; guavas; apples; pears; plums; quinces; apricots; mameys; ciruelas; fruits of species of the genus *Sargentia*; avocados; all citrus fruits except lemons and sour limes; and any other fruits which are susceptible to infestation.

(d) *Regulated area.* The counties and other minor civil divisions, or parts thereof, designated in administrative instructions under § 301.64-2 as regulated area.

(e) *Regulated articles.* Mexican fruit flies, means of conveyance, and other products and articles of any character whatsoever, the movement of which is regulated by the Mexican fruit fly quarantine (§ 301.64) and the regulations in §§ 301.64-1 through 301.64-11.

(f) *"Moved"* ("*movement*," "*move*"). Shipped, deposited for transmission in the mail, offered for shipment, received for transportation, carried, otherwise transported or moved, or allowed to be moved, by mail or otherwise, by any person, interstate, directly or indirectly. "*Movement*" and "*move*" shall be construed accordingly.

(g) *Interstate.* From any State, Territory, or District (including possessions and the District of Columbia) of the United States into or through any other such State, Territory, or District.

(h) *Certificate.* A document evidencing compliance with the requirements of this subpart.

(i) *Limited permit.* A document authorizing the movement of regulated articles to a restricted destination for limited handling, utilization, or processing.

(j) *Dealer-carrier agreement.* An agreement to comply with stipulated conditions, executed by persons engaged in purchasing, assembling, exchanging, handling, processing, utilizing, treating, or moving regulated articles.

(k) *Administrative instructions.* Documents relating to the enforcement of the provisions in this subpart issued under authority of such provisions by the Director of the Plant Pest Control Division, Agricultural Research Service.

(l) *Inspector.* An inspector of the United States Department of Agriculture.

(m) *Person*. This term includes any corporation, partnership, firm, company, joint stock company, society, or association, as well as any individual.

§ 301.64-2 *Designation of regulated area*. The Director of the Plant Pest Control Division shall, from time to time, in administrative instructions promulgated by him, list the counties and other minor civil divisions, or parts thereof, in the quarantined State, in which infestation has been determined to exist, or in which it has been determined infestation is likely to exist, or which it is deemed necessary to regulate because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities, and shall designate such civil divisions and parts thereof, as constituting the regulated area. Any civil division, or part thereof, so designated shall continue in a regulated status until the Director of the Plant Pest Control Division shall have determined that adequate eradication measures have been practiced for a sufficient length of time to eradicate the Mexican fruit fly therein and that regulation of such area is not otherwise necessary under this section, and shall have issued administrative instructions revoking the designation of such civil division, or part thereof, as a regulated area.

§ 301.64-3 *Mexican fruit flies; conditions of movement*. Live Mexican fruit flies may be moved from any State, Territory, or District of the United States into or through any other such State, Territory, or District, and delivery of such Mexican fruit flies so moving may be accepted, only if such movement is made for scientific purposes under specific permit from the Director of the Plant Pest Control Division and in accordance with such conditions as may be required in such permit by the Director. The permit shall be securely attached to the outside of the container of the Mexican fruit flies when they are so moved.

§ 301.64-4 *Other regulated articles; conditions of movement*—(a) *Designated articles*. Unless exempted by administrative instructions, host fruits may be moved from the regulated area into or through any point outside thereof only if accompanied by a valid certificate or limited permit issued in compliance with § 301.64-7 and if the applicable requirements of §§ 301.64-5 and 301.64-6 are also met. However, host fruits which originate outside of the regulated area and are moving through or are being reshipped from the regulated area, may be moved from the regulated area into or through any point outside thereof without further restriction under this subpart when their point of origin is clearly indicated, when their identity has been maintained, and when they have been safeguarded against infestation while in the regulated area in a manner satisfactory to an inspector and do not present a hazard of spread of the Mexican fruit fly. Otherwise such host fruits shall be subject to all applicable requirements under this subpart for articles originating in the regulated area.

(b) *Articles determined to present hazards*. When it has been determined by an inspector that, due to contamination with the Mexican fruit fly or any other reason, a hazard of spread of the fly is presented by any fruit-picking equipment; any trucks, wagons, railway cars, aircraft, boats, other means of conveyance or containers which have been or are being used in conveying host fruits; any other products or articles which have been associated with the production of, or commerce in, host fruits; or, unlimited by the foregoing, any other products or articles of any character whatsoever, not covered by paragraph (a) of this section or by § 301.64-3, notice of such fact shall be given to the person having custody thereof. Thereafter, such contaminated articles may be moved from the regulated area into or through any point outside thereof only after they have been cleaned, treated, or otherwise disinfested to the satisfaction of the inspector or when they are moving under limited permit as required by the inspector.

§ 301.64-5 *Use of certificates or limited permits with shipments*. Every container of regulated articles, or if there is none the article itself, required to have a certificate or limited permit under § 301.64-4 shall have such certificate or permit securely attached to the outside thereof, when offered for movement under said section, except that where the regulated articles are adequately described on a certificate or limited permit attached to the waybill, the attachment of a certificate or limited permit to each container of the articles, or to the article itself, will not be required.

§ 301.64-6 *Protecting certified articles*. Subsequent to certification as provided in § 301.64-7, regulated articles must be loaded, handled, and shipped,

only under such protection and safeguards against infestation as are required by the inspector.

§ 301.64-7 *Conditions governing the issuance of certificates and limited permits*—(a) *Certificates*. (1) Certificates may be issued by the inspector for the movement of the regulated articles designated in § 301.64-4 (a) under any one of the following conditions except as provided in subparagraph (2) of this paragraph:

(i) When, in the judgment of the inspector, they have not been exposed to infestation.

(ii) When they have been examined by the inspector and found to be free of infestation.

(iii) When they have been treated under the observation of the inspector and in accordance with methods selected by him from administratively authorized procedures known to be effective under the conditions in which applied.

(2) Certificates may not be issued for the movement into the citrus-producing States of Arizona, California, or Florida, or into the States of Alabama, Arkansas, Georgia, Louisiana, Mississippi, New Mexico, Oklahoma, and South Carolina, of regulated citrus fruits or other host fruits, except upon the basis of treatment under subparagraph (1) (iii) of this paragraph, unless exemption from such treatment is provided in administrative instructions.

(b) *Limited permits*. Limited permits may be issued by the inspector for the movement of noncertified regulated articles under § 301.64-4 to specified destinations for limited handling, utilization, or processing.

(c) *Dealer-carrier agreement*. As a condition of issuance of certificates or limited permits for the movement of regulated articles, any person engaged in purchasing, assembling, exchanging, handling, processing, utilizing, treating, or moving such articles may be required to sign a dealer-carrier agreement stipulating that he will maintain such safeguards against the establishment and spread of infestation and comply with such conditions as to the maintenance of identity, handling, and subsequent movement of such articles and the cleaning and treatment of means of conveyance and containers used in the transportation of such articles as may be required by the inspector.

§ 301.64-8 *Assembly of articles for inspection*. Persons intending to move any of the regulated articles under § 301.64-4 shall make application for inspection as far in advance as possible, shall so handle such articles as to safeguard them from infestation, and shall assemble them at such points and in such manner as the inspector shall designate to facilitate inspection.

§ 301.64-9 *Cancellation or denial of certificates or limited permits*. Certificates or limited permits for any regulated articles issued under the regulations in this subpart may be withdrawn or cancelled and certificates or permits for such articles may be denied by the inspector whenever he determines that the use of such certificates or permits might result in the spread of the Mexican fruit fly.

§ 301.64-10 *Inspection and disposal*. Any properly identified inspector is authorized to stop and inspect, without a warrant, any person or means of conveyance moving from any State, Territory, or District of the United States into or through any other such State, Territory, or District and any plant pest and any product and article of any character whatsoever carried thereby, upon probable cause to believe that such means of conveyance, product, or article is infested or infected by or contains any plant pest or is moving subject to this subpart or any other regulations under the Federal Plant Pest Act or that such person or means of conveyance is carrying any plant pest subject to that act, and to stop and inspect, without a warrant, any means of conveyance so moving, upon probable cause to believe it is carrying any product or article prohibited or restricted movement under the Plant Quarantine Act or any quarantine or order thereunder. Such inspector is authorized to seize, destroy, or otherwise dispose of, or require disposal of, products, articles, means of conveyance, and plant pests in accordance with section 105 of the Federal Plant Pest Act and section 10 of the Plant Quarantine Act.

§ 301.64-11 *Nonliability of Department*. The United States Department of Agriculture disclaims liability for any cost incident to inspection or treatment required under the provisions in this subpart, other than for the services of the inspector.

This revision authorizes the Director of the Plant Pest Control Division to designate the regulated area and otherwise conforms the quarantine and regu-

lations more closely to the pattern of other quarantines and regulations under the acts. It limits the fruits to be regulated to those that are hosts of the Mexican fruit fly, and includes among regulated articles other products, articles, and means of conveyance that are determined to present a hazard of spread of the fly.

This revision should be made effective as soon as possible in order to be of maximum benefit in preventing the interstate spread of Mexican fruit flies. Accordingly, pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice and other public procedure with respect to this revision are impracticable and contrary to the public interest, and good cause is found for the issuance thereof less than 30 days after publication in the Federal Register.

The foregoing quarantine and regulations shall be effective October 25, 1957, and on said date shall supersede the quarantine and regulations effective November 26, 1945, as amended (7 CFR 301.64, 301.64-1 et seq.). The administrative instructions effective December 23, 1955 (7 CFR 301.64-4a) shall also cease to be effective on the effective date of the foregoing quarantine and regulations. However, said prior quarantine and regulations and administrative instructions shall be deemed to continue in full force and effect for the purpose of sustaining any right that accrued, liability that was incurred or violation that occurred before the effective date of the foregoing quarantine and regulations.

Done at Washington, D. C., this 22d day of October 1957.

[SEAL]

M. R. CLARKSON,
Acting Administrator, Agricultural Research Service.

[Filed with the Division of the Federal Register, October 24, 1957, 8:49 a. m.; 22 F. R. 8412.]

[Copies of the foregoing revision, together with copies of the following two supplementary administrative instructions, were sent to all common carriers doing business in or through the affected State.]

[A notice to the general public concerning the above revision and the two supplementary administrative instructions was published in the San Antonio Light, San Antonio, Tex., November 2, 1957.]

P. P. C. 626

Effective October 25, 1957

TITLE 7—AGRICULTURE

CHAPTER III—AGRICULTURAL RESEARCH SERVICE, DEPARTMENT OF AGRICULTURE

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—MEXICAN FRUIT FLY

ADMINISTRATIVE INSTRUCTIONS DESIGNATING REGULATED AREA

Pursuant to § 301.64-2 of the regulations supplemental to the Mexican fruit fly quarantine (7 CFR 301.64-2, *supra*), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), and the Federal Plant Pest Act (Pub. Law 85-36), administrative instructions to appear in 7 CFR 301.64-2a are hereby issued as follows:

§ 301.64-2a *Administrative instructions designating regulated area under the Mexican fruit fly quarantine.* Infestations of the Mexican fruit fly have been determined to exist, in the quarantined State, in the civil divisions or parts thereof listed below, or it has been determined that such infestation is likely to exist therein, or it is deemed necessary to regulate such localities because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities. Accordingly, the localities listed are hereby designated as the Mexican fruit fly regulated area within the meaning of the provisions in this subpart:

Texas. Counties of Brooks, Cameron, Dimmit, Hidalgo, La Salle, Webb, and Willacy, and that portion of Jim Wells county lying south of Highway 141 and a line projected due west to the Jim Wells-Duval county line from the point where Highways 141 and 66 intersect.

These administrative instructions shall become effective October 25, 1957. They list the localities that are regulated under the revised Mexican fruit fly quarantine and supplemental regulations which are to be made effective as soon as possible. They must be made effective concurrently with such quarantine and regulations to effectuate the purposes thereof. The regulated area so listed is identical with the previously existing regulated area as designated in 7 CFR 301.64-2 effective November 26, 1945. Accordingly, under section 4 of the Ad-

ministrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the instructions are impracticable, unnecessary and contrary to the public interest, and good cause is found for making the effective date thereof less than 30 days after publication in the Federal Register.

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33, Pub. Law 85-36, 85th Cong.; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 22d day of October 1957.

[SEAL]

L. F. CURL,
Acting Director, Plant Pest Control Division.

[Filed with the Division of the Federal Register, October 24, 1957, 8:49 a. m.; 22 F. R. 8415.]

P. P. C. 625

Effective October 25, 1957

TITLE 7—AGRICULTURE

CHAPTER III—AGRICULTURAL RESEARCH SERVICE, DEPARTMENT OF AGRICULTURE

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—MEXICAN FRUIT FLY

ADMINISTRATIVE INSTRUCTIONS EXEMPTING CERTAIN FRUITS FROM SPECIFIED REQUIREMENTS

Pursuant to the authority conferred on the Director of the Plant Pest Control Division by the Mexican fruit fly quarantine (Notice of quarantine No. 64, 7 CFR 301.64 *supra*), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), and the Federal Plant Pest Act (Pub. Law 85-36) administrative instructions to appear in 7 CFR 301.64a are hereby issued as follows:

§ 301.64a *Administrative instructions exempting certain fruits from specified requirements.* It has been found that facts exist as to the pest risk involved in the movement of the following regulated articles under the regulations in this subpart which make it safe to make less stringent the requirements of the regulations with respect to the movement of such articles from the regulated area, as hereinafter provided.

(a) The following fruits are hereby exempted from the certification and related requirements of § 301.64-4 (a) and from the treatment requirements of § 301.64-7 (a) (2), under the conditions hereinafter set forth:

(1) Oranges, tangerines, and avocados which are shipped to points outside of and are not diverted in transit to the States of Arizona, California, and Florida.

(2) Host fruits (other than oranges, tangerines, and avocados) which are shipped to points in or north of the States of Oregon, Nevada, Utah, Colorado, Kansas, Missouri, Tennessee, and North Carolina: *Provided*, That such fruits shall not be diverted in transit to the States of Arizona, California, or Florida, and shall not be diverted in transit to the States of Alabama, Arkansas, Georgia, Louisiana, Mississippi, New Mexico, Oklahoma, or South Carolina unless shipment direct to such States would be authorized under subparagraph (3) of this paragraph.

(3) Host fruits (other than oranges, tangerines, and avocados) which are shipped, after the beginning of the harvesting season but prior to March 1, to the States of Alabama, Arkansas, Georgia, Louisiana, Mississippi, New Mexico, Oklahoma, and South Carolina: *Provided*, That if a larval infestation of the Mexican fruit fly is detected prior to March 1 in the groves or other premises where the fruits are produced or within a mile radius of such premises, the fruits shall not thereafter be so exempted: *And provided further*, That the fruits shall not be diverted in transit to Arizona, California, or Florida.

(b) The following fruits are hereby exempted from the treatment requirements of § 301.64-7 (a) (2) but not from the certification and related requirements of § 301.64-4 (a), under the conditions hereinafter set forth:

(1) Regulated citrus fruits and other host fruits which are shipped to the States of Arizona, California, and Florida, if they are shipped after the beginning of the harvesting season but prior to December 1, and if no Mexican fruit fly larvae have been found, and no adult Mexican fruit flies have been caught in traps, in the groves or other premises where such fruits were produced, or within a mile radius thereof during said period.

These administrative instructions shall become effective October 25, 1957. They relieve restrictions under the revised Mexican fruit fly quarantine and supplemental regulations which are to be made effective as soon as possible. The instructions must be made concurrently effective with such quarantine and regulations to effectuate the purposes thereof. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the instructions are impracticable and contrary to the public interest, and since they relieve restrictions they may be made effective less than 30 days after publication in the Federal Register.

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33, Pub. Law 85-36, 85th Cong.; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 22d day of October 1957.

[SEAL]

L. F. CURL,
Acting Director, Plant Pest Control Division.

[Filed with the Division of the Federal Register, October 24, 1957, 8:49 a. m.; 22 F. R. 8415.]

ANNOUNCEMENTS CONCERNING OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

P. Q.—*Amendment of Administrative
Instructions Under Overtime
Regulations*

Effective March 8, 1957

TITLE 7—AGRICULTURE

CHAPTER III—AGRICULTURAL RESEARCH SERVICE, DEPARTMENT OF AGRICULTURE

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

AMENDMENT OF ADMINISTRATIVE INSTRUCTIONS PRESCRIBING COMMUTED TRAVEL TIME ALLOWANCES

Pursuant to the authority conferred upon the Director of the Plant Quarantine Division by § 354.1 of the regulations concerning overtime services relating to imports and exports, effective July 15, 1955 (7 CFR 354.1), administrative instructions (7 CFR 354.2; 21 F. R. 3865) effective June 6, 1956, prescribing the commuted travel time that shall be included in each period of overtime duty are hereby amended to add "Barbers Point Station, T. H. (when served from Barbers Point Station, T. H.)" to the "One Hour" list therein and to add "Barbers Point Station, T. H. (when served from Honolulu, T. H.)" to the "Two Hours" list therein.

These commuted travel time periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime duty when such travel is performed solely on account of such overtime duty. Such establishment depends upon facts within the knowledge of the Plant Quarantine Division. It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these instructions effective less than thirty days after publication in the Federal Register.

(64 Stat. 561, 5 U. S. C. 576)

This amendment shall be effective March 8, 1957.

Done at Washington, D. C., this 5th day of March 1957.

E. P. REAGAN,
Director, Plant Quarantine Division.

[Filed with the Division of the Federal Register, March 7, 1957, 8:54 a. m.; 22 F. R. 1481.]

P. Q.—Amendment 2 of Administrative
Instructions Under Overtime
Regulations

Effective September 21, 1957

TITLE 7—AGRICULTURE

CHAPTER III—AGRICULTURAL RESEARCH SERVICE, DEPARTMENT OF AGRICULTURE

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

AMENDMENT OF ADMINISTRATIVE INSTRUCTIONS PRESCRIBING COMMUTED TRAVEL TIME ALLOWANCES

Pursuant to the authority conferred upon the Director of the Plant Quarantine Division by § 354.1 of the regulations concerning overtime services relating to imports and exports, effective July 15, 1955 (7 CFR 354.1), administrative instructions (7 CFR, 1956 Supp., 354.2) effective June 6, 1956, as amended effective March 8, 1957 (22 F. R. 1481), prescribing the commuted travel time that shall be included in each period of overtime duty are hereby amended to add "Dover Air Force Base, Dover, Delaware" to the "One Hour" list therein and to add "McGuire Air Force Base, Fort Dix, New Jersey," to the "Two Hours" list therein.

These commuted travel time periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime duty when such travel is performed solely on account of such overtime duty. Such establishment depends upon facts within the knowledge of the Plant Quarantine Division. It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these instructions effective less than thirty days after publication in the Federal Register.

This amendment shall become effective upon publication in the Federal Register. (64 Stat. 561, 5 U. S. C. 576.)

Done at Washington, D. C., this 17th day of September 1957.

[SEAL]

E. P. REAGAN,

Director, Plant Quarantine Division.

[Filed with the Division of the Federal Register, September 20, 1957, 8:50 a. m.; 22 F. R. 7535.]

ANNOUNCEMENTS RELATING TO PINK BOLLWORM QUARANTINE (NO. 52)

P. P. C.—Q. 52

Effective August 31, 1957

TITLE 7—AGRICULTURE

CHAPTER III—AGRICULTURAL RESEARCH SERVICE, DEPARTMENT OF AGRICULTURE

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—PINK BOLLWORM

On April 26, 1957, there was published in the Federal Register (22 F. R. 2952), under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), a notice of rule making concerning a proposed amendment of notice of quarantine No. 52 relating to the pink bollworm and the regulations supplemental thereto. After due consideration of all relevant matters presented, and pursuant to sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), and sections 103 and 106 of the Federal Plant Pest Act (Public Law 85-36), the quarantine and regulations in 7 CFR 301.52, 301.52-1 et seq., as amended, are hereby revised to read as follows:

QUARANTINE

Sec.
301.52 Notice of quarantine.

REGULATIONS

301.52-1 Definitions.
301.52-2 Designation of regulated area.
301.52-3 Pink bollworms: Conditions of movement.

- 301.52-4 Other regulated articles: Conditions of movement.
- 301.52-5 Use of certificates or limited permits with shipments.
- 301.52-6 Protecting certified articles.
- 301.52-7 Conditions governing the issuance of certificates and limited permits.
- 301.52-8 Assembly of articles for inspection.
- 301.52-9 Cancellation of certificates or limited permits.
- 301.52-10 Inspection and disposal.
- 301.52-11 Nonliability of Department.

AUTHORITY: §§ 301.52 to 301.52-11 issued under sec. 9, 37 Stat. 318, sec. 106, Pub. Law 85-36, 71 Stat. 33; 7 U. S. C. 162. Interpret or apply sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161.

QUARANTINE

§ 301.52 *Notice of quarantine.* Under the authority conferred by sections 8 and 9 of the Plant Quarantine Act, as amended (7 U. S. C. 161, 162) and sections 103 and 106 of the Federal Plant Pest Act (Public Law 85-36, 71 Stat. 32, 33), the States of Arizona, Arkansas, Louisiana, New Mexico, Oklahoma, and Texas which have heretofore been quarantined under said Plant Quarantine Act after public hearings, are hereby continued to be quarantined to prevent the spread of the pink bollworm, a dangerous insect of foreign origin injurious to cotton, okra, and kenaf and not heretofore widely prevalent or distributed within and throughout the United States, and regulations are hereinafter prescribed (§§ 301.52-1 through 301.52-11) governing the movement of the pink bollworm and carriers thereof. Hereafter the following shall not be shipped, deposited for transmission in the mail, offered for shipment, received for transportation, carried, otherwise transported or moved, or allowed to be moved, by mail or otherwise, by any person, from the quarantined States into or through any other State, Territory, or District of the United States in any manner or method or under conditions other than those prescribed in the regulations as from time to time amended: (a) Okra and kenaf, including all parts of the plants; (b) cotton and wild cotton, including all parts of both cotton and wild cotton plants; (c) seed cotton; (d) cotton lint; (e) cotton linters; (f) cotton waste produced at cotton gins, cottonseed oil mills, or textile mills; (g) gin thrash; (h) cottonseed; (i) cottonseed hulls; (j) cottonseed cake; (k) cottonseed meal; (l) used bagging and other used wrappers for cotton; (m) used cotton harvesting equipment; and (n) other farm products, other farm equipment, farm household goods, ginning and oil mill equipment, other cotton processing machinery, and means of conveyance, and, unlimited by the foregoing, any other products and articles of any character whatsoever, not within paragraph (a) through (m) of this section, when it is determined in accordance with the regulations (§§ 301.52-1 to 301.52-11) that they present a hazard of spread of the pink bollworm. Moreover, movement of products, articles, and means of conveyance designated above from a quarantined State or portion thereof into or through another quarantined State or portion thereof may be restricted or prohibited under the regulations. The requirements of this quarantine and the regulations in this subpart with respect to the products, articles, and means of conveyance designated above, are hereby limited to the areas in any quarantined State which may be designated as within the regulated area as provided in the regulations, as long as in the judgment of the Administrator of the Agricultural Research Service, the enforcement of the regulations as to such regulated area will be adequate to prevent the spread of the pink bollworm, except that such limitation is further conditioned upon the affected State's providing regulations for and enforcing control of the movement within such State of live pink bollworms and other regulated articles under the same conditions as those which apply to their interstate movement under the provisions of the currently existing Federal quarantine and other regulations in this subpart, and upon the State's providing regulations for and enforcing such sanitation measures with respect to such area or portions thereof as, in the judgment of said Administrator, are adequate to prevent the spread of the pink bollworm within such State. Moreover, whenever the Director of the Plant Pest Control Division shall find that facts exist as to the pest risk involved in the movement of one or more of the products, articles or means of conveyance to which the regulations apply, making it safe to modify, by making less stringent, the requirements contained in the regulations, except § 301.52-3, he shall set forth and publish such finding in administrative instructions, specifying the manner in which the regulations should be made less stringent, whereupon such modification shall become effective for such period and for all or such portion of the regulated area and for such products, articles, and means of conveyance as shall be specified in said administrative instruc-

tions, and every reasonable effort shall be made to give publicity to such administrative instructions throughout the affected area. Under the Federal Plant Pest Act, no person shall knowingly move any pink bollworms in any living stage of development, into or through the United States or from any State, Territory, or District of the United States into or through any other such State, Territory or District, or knowingly accept delivery of such insects so moving, unless such movement is authorized under permit from the Department of Agriculture and is made in accordance with any conditions in the permit and applicable provisions of this subpart.

REGULATIONS

§ 301.52-1 *Definitions.* For the purposes of the provisions in this subpart, except where the context otherwise requires, the following terms shall be construed respectively to mean:

(a) *Pink bollworm.* The live insect known as the pink bollworm of cotton (*Pectinophora gossypiella* Saund.), in any stage of development.

(b) *Infestation.* The presence of the pink bollworm.

(c) *Regulated area.* The counties, parishes, and other minor civil divisions, or parts thereof, designated in administrative instructions under § 301.52-2 as regulated area.

(d) *Eradication area.* That part of the regulated area where eradication may be undertaken as an objective, as designated in administrative instructions under § 301.52-2.

(e) *Generally infested area.* All of the regulated area, exclusive of the eradication area, as designated in administrative instructions under § 301.52-2.

(f) *Regulated articles.* Pink bollworms, means of conveyance, and other products and articles of any character whatsoever, the movement of which is regulated by the pink bollworm quarantine (§ 301.52) and regulations in §§ 301.52-1 through 301.52-11.

(g) *Cotton.* All parts of cotton and wild cotton plants of the genera *Gossypium* and *Thurberia*, except cotton products.

(h) *Cotton products.* Seed cotton, cotton lint, cotton linters, cotton waste, gin trash, cottonseed, cottonseed hulls, cottonseed cake, and cottonseed meal.

(i) *Seed cotton.* All forms of cotton lint from which the seed has not been separated.

(j) *Cotton lint.* All forms of raw ginned cotton not including cotton linters and cotton waste.

(k) *Cotton linters.* All forms of unmanufactured cotton fiber separated from cottonseed after the cotton lint has been removed, other than cotton waste.

(l) *Cotton waste.* All waste produced from the processing of cotton at gins, cottonseed oil mills, or textile mills in any form or under any trade designation. Gin trash is not within the definition of waste.

(m) *Gin trash.* All of the material produced during the cleaning and ginning of seed cotton, bolls, or snapped cotton except the cotton lint, cottonseed, and cotton waste.

(n) *Okra* (*Hibiscus esculentus* L.). All parts of okra plants, including seeds and edible and dry pods.

(o) *Kenaf* (*Hibiscus cannabinus* L.). All parts of kenaf plants, including seeds and pods.

(p) *"Moved"* ("movement," "move"). Shipped, deposited for transmission in the mail, offered for shipment, received for transportation, carried, otherwise transported or moved, or allowed to be moved, by mail or otherwise, by any person, interstate, directly or indirectly. "Movement" and "move" shall be construed accordingly.

(q) *Interstate.* From any State, Territory, or District (including possessions and the District of Columbia) of the United States into or through any other such State, Territory, or District.

(r) *Certificate.* A document evidencing compliance with the requirements of this subpart.

(s) *Limited permit.* A document authorizing the movement of regulated articles to a restricted destination for limited handling, utilization or processing, or for treatment.

(t) *Dealer-carrier agreement.* An agreement to comply with stipulated conditions, executed by persons engaged in purchasing, assembling, exchanging, handling, processing, utilizing, treating, or moving regulated articles.

(u) *Administrative instructions.* Documents relating to the enforcement of the provisions in this subpart issued under authority of such provisions by the Director of the Plant Pest Control Division, Agricultural Research Service.

(v) *Inspector.* An inspector of the United States Department of Agriculture.

(w) *Person.* This term includes any corporation, partnership, firm, company, joint stock company, society, or association, as well as any individual.

§ 301.52-2 *Designation of regulated area.* The Director of the Plant Pest Control Division shall, from time to time, in administrative instructions promulgated by him, list the counties, parishes, other minor civil divisions, and premises, or parts thereof, in the quarantined States, in which infestation has been determined to exist, or in which it has been determined infestation is likely to exist, or which it is deemed necessary to regulate because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities, and shall designate such civil divisions and premises, and parts thereof, as constituting the regulated area. Any civil division or premises, or part thereof, so designated shall continue in a regulated status until the Director of the Plant Pest Control Division shall have determined that adequate eradication measures have been practiced for a sufficient length of time to eradicate the pink bollworm therein and that regulation of such civil division, premises, or part thereof is not otherwise necessary under this section, and shall have issued administrative instructions revoking the designation of such civil division, premises, or part thereof, as regulated area. The Director of the Plant Pest Control Division may, in said administrative instructions, divide the regulated area into an eradication area and a generally infested area.

§ 301.52-3 *Pink bollworms: Conditions of movement.* Live pink bollworms may be moved from any State, Territory, or District of the United States into or through any other such State, Territory, or District, and delivery of such bollworms so moving may be accepted, only if such movement is made for scientific purposes under specific permit from the Director of the Plant Pest Control Division and in accordance with such conditions as may be required in such permit by the Director. The permit shall be securely attached to the outside of the container of the bollworms when they are so moved.

§ 301.52-4 *Other regulated articles: Conditions of movement—(a) Designated articles.* Unless exempted by administrative instructions, the following may be moved from the regulated area into or through any point outside thereof, or from the generally infested area into or through the eradication area, only if accompanied by a valid certificate or limited permit issued in compliance with § 301.52-7 and if the applicable requirements of §§ 301.52-5 and 301.52-6 are also met: Cotton, cotton products, okra, kenaf, used bagging and other used wrappers for cotton, and used cotton harvesting equipment. However, regulated articles of kinds within this paragraph which originate outside of the regulated area, and are moving through or are being reshipped from the regulated area, may be moved from the regulated area and from the generally infested area into or through the eradication area, without further restriction under this subpart when their point of origin is clearly indicated, when their identity has been maintained, and when they have been safeguarded against infestation while in the regulated area in a manner satisfactory to an inspector and do not present a hazard of spread of the pink bollworm. Otherwise such regulated articles shall be subject to all applicable requirements under this subpart for articles originating in the regulated area.

(b) *Articles determined to present hazards.* When it has been determined by an inspector that, due to contamination with pink bollworms or untreated cottonseed or cottonseed hulls or any other reason, a hazard of spread of pink bollworm is presented by any farm products, farm equipment, farm household goods, ginning or oil mill equipment, other cotton processing machinery, or means of conveyance, or unlimited by the foregoing, any other products or articles of any character whatsoever, not covered by paragraph (a) of this section or § 301.52-3, notice of such fact shall be given to the person having custody thereof. Thereafter, such contaminated articles may be moved from the regulated area into or through any point outside thereof, or from the generally infested area into or through the eradication area, only after they have been cleaned, treated, or otherwise disinfested to the satisfaction of the inspector or when they are moving under limited permit as required by the inspector.

§ 301.52-5 *Use of certificates or limited permits with shipments.* Every container of regulated articles, or if there is none the article itself, required to have a certificate or limited permit under § 301.52-4 shall have such certificate

or permit securely attached to the outside thereof when offered for movement under said section, except that where the regulated articles are adequately described on a certificate or limited permit attached to the waybill, the attachment of a certificate or limited permit to each container of the articles, or to the article itself, will not be required.

§ 301.52-6 *Protecting certified articles.* Subsequent to certification as provided in § 301.52-7, regulated articles must be loaded, handled, and shipped, only under such protection and safeguards against infestation as are required by the inspector.

§ 301.52-7 *Conditions governing the issuance of certificates and limited permits—(a) Certificates.* Certificates may be issued by the inspector for the movement of the regulated articles designated in § 301.52-4 (a) under any one of the following conditions:

(1) When, in the judgment of the inspector, they have not been exposed to infestation.

(2) When they have been examined by the inspector and found to be free of infestation.

(3) When they have been treated under the observation of the inspector and in accordance with methods selected by him from administratively authorized procedures known to be effective under the conditions in which applied.

(b) *Limited permits.* Limited permits may be issued by the inspector for the movement of noncertified regulated articles under § 301.52-4 to specified destinations for limited handling, utilization, or processing, or for treatment.

(c) *Dealer-carrier agreement.* As a condition of issuance of certificates or limited permits for the movement of regulated articles, any person engaged in purchasing, assembling, exchanging, handling, processing, utilizing, treating, or moving such articles may be required to sign a dealer-carrier agreement stipulating that he will maintain such safeguards against the establishment and spread of infestation and comply with such conditions as to the maintenance of identity, handling, and subsequent movement of such articles and the cleaning and treatment of means of conveyance and containers used in transportation of such articles as may be required by the inspector.

§ 301.52-8 *Assembly of articles for inspection.* Persons intending to move any of the regulated articles under § 301.52-4 shall make application for inspection as far in advance as possible, shall so handle such articles as to safeguard them from infestation, and shall assemble them at such points and in such manner as the inspector shall designate to facilitate inspection.

§ 301.52-9 *Cancellation of certificates or limited permits.* Certificates or limited permits for any regulated articles issued under the regulations in this subpart may be withdrawn or cancelled and further certificates or permits for such articles may be refused by the inspector whenever he determines that the further use of such certificates or permits might result in the spread of the pink bollworm.

§ 301.52-10 *Inspection and disposal.* Any properly identified inspector is authorized to stop and inspect, without a warrant, any person or means of conveyance moving from any State, Territory, or District of the United States into or through any other such State, Territory, or District and any plant pest and any product and article of any character whatsoever carried thereby, upon probable cause to believe that such means of conveyance, product, or article is infested or infected by or contains any plant pest or is moving subject to this subpart or any other regulations under the Federal Plant Pest Act or that such person or means of conveyance is carrying any plant pest subject to that act, and to stop and inspect, without a warrant, any means of conveyance so moving, upon probable cause to believe it is carrying any product or article prohibited or restricted movement under the Plant Quarantine Act or any quarantine or order thereunder. Such inspector is authorized to seize, destroy, or otherwise dispose of, or require disposal of, products, articles, means of conveyance, and plant pests in accordance with section 105 of the Federal Plant Pest Act and section 10 of the Plant Quarantine Act.

§ 301.52-10 *Nonliability of Department.* The United States Department of Agriculture disclaims liability for any cost incident to inspection or treatment required under the provisions in this subpart, other than for the services of the inspector.

The revised quarantine and regulations shall be effective on and after August 31, 1957, when they shall supersede the provisions in 7 CFR 301.52, 301.52-1 et seq., effective July 12, 1953, as amended effective June 2, 1956 (21 F. R. 3737).

Modifications have been made in the notice of quarantine and in the regulations to utilize the authority granted in the new Federal Plant Pest Act (Public Law 85-36). This act was approved May 23, 1957, subsequent to the publication of the notice of proposed rule making with respect to the revision.

This revision authorizes the Director of the Plant Pest Control Division to designate the regulated area and an eradication area and a generally infested area and otherwise conforms the quarantine and regulations more closely to the pattern of other quarantines and regulations under the Plant Quarantine Act and the Federal Plant Pest Act. The list of products and articles subject to regulation has been modified to include specifically cotton waste produced at textile mills and to include generally any products and articles found to present a hazard of spread of the pink bollworm, and to make other changes for clarity.

The quarantine and regulations should be made effective as soon as possible in order to be of maximum benefit in preventing the interstate spread of pink bollworm. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that further notice of rule-making and other public procedure on the revision is impracticable, unnecessary, and contrary to the public interest and good cause is found for making the revised quarantine and regulations effective less than 30 days after publication in the Federal Register.

Done at Washington, D. C., this 27th day of August 1957.

[SEAL]

M. R. CLARKSON,
Acting Administrator, Agricultural Research Service.

[Filed with the Division of the Federal Register, August 30, 1957, 8:48 a. m.; 22 F. R. 7013.]

[Copies of the foregoing revision, together with copies of the following two supplementary administrative instructions, were sent to all common carriers doing business in or through the affected States; also, through the Post Office Department, to the postmasters in the regulated area.]

[A notice to the general public concerning the above revision and the two supplementary administrative instructions was published in the Arizona Republic, Phoenix, Ariz., September 12, 1957; the Arkansas Gazette, Little Rock, Ark., September 9, 1957; the Times-Picayune, New Orleans, La., September 10, 1957; the Albuquerque Journal, Albuquerque, N. Mex., September 11, 1957; the Daily Oklahoman, Oklahoma City, Okla., September 10, 1957; and the San Antonio Light, San Antonio, Tex., September 10, 1957.]

P. P. C. 621

Effective August 31, 1957

TITLE 7—AGRICULTURE

CHAPTER III—AGRICULTURAL RESEARCH SERVICE, DEPARTMENT OF AGRICULTURE

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—PINK BOLLWORM

ADMINISTRATIVE INSTRUCTIONS DESIGNATING REGULATED AREA

On April 26, 1957, there was published in the Federal Register (22 F. R. 2955), under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), a notice of rule making relating to the issuance of administrative instructions designating regulated area under the pink bollworm quarantine and regulations. After due consideration of all relevant matters presented, and pursuant to § 301.52-2 of the regulations (7 CFR 301.52-2), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162) and section 106 of the Federal Plant Pest Act (Pub. Law 85-36), administrative instructions to be designated as 7 CFR 301.52-2a are hereby issued to read as follows:

§ 301.52-2a *Administrative instructions designating regulated area, eradication area, and generally infested area under the pink bollworm quarantine.* (a) Infestations of the pink bollworm have been determined to exist, in the quarantined States, in the civil divisions and premises or parts thereof, listed below, or it has been determined that such infestation is likely to exist therein, or it is deemed necessary to regulate such localities because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities. Accordingly, the localities listed are hereby designated as the pink bollworm regulated area within the meaning of the provisions in this subpart:

Arizona. Counties of Cochise, Graham, Greenlee, and Santa Cruz, and all of Pima County except that portion lying west of the west line of Range 9 East.

Arkansas. Counties of Calhoun, Clark, Columbia, Conway, Crawford, Dallas, Franklin, Garland, Hempstead, Hot Springs, Howard, Johnson, Lafayette, Little River, Logan, Miller, Montgomery, Nevada, Ouachita, Perry, Pike, Polk, Pope, Scott, Sebastian, Sevier, Union, Washington, and Yell.

Louisiana. Parishes of Allen, Beauregard, Bienville, Bossier, Caddo, Calcasieu, Cameron, Claiborne, De Soto, Jefferson Davis, Lincoln, Natchitoches, Red River, Sabine, Union, Vermilion, Vernon, and Webster.

New Mexico. All counties in the State.

Oklahoma. All counties in the State.

Texas. All counties in the State.

(b) *Eradication area.* All regulated area within the States of Arizona, Arkansas, and Louisiana is hereby designated as eradication area.

(c) *Generally infested area.* All regulated area within the States of New Mexico, Oklahoma, and Texas is hereby designated as generally infested area.

These administrative instructions shall become effective August 31, 1957.

These administrative instructions list the localities that are to be regulated under a revision of the pink bollworm notice of quarantine and regulations that is to become concurrently effective. The instructions add to the regulated area for the first time the county of Washington, in Arkansas, and all previously non-regulated areas in New Mexico.

These instructions should be made effective as soon as possible in order to be of maximum benefit in preventing the spread of pink bollworms. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), good cause is found for making the instructions effective less than 30 days after publication in the Federal Register.

(Sec. 9, 37 Stat 318, sec. 106, Pub. Law 85-36, 71 Stat. 33; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 27th day of August 1957.

[SEAL]

L. F. CURL,

Acting Director, Plant Pest Control Division.

[Filed with the Division of the Federal Register, August 30, 1957, 8:43 a. m.; 22 F. R. 7016.]

P. P. C. 620

Effective August 31, 1957

TITLE 7—AGRICULTURE

CHAPTER III—AGRICULTURAL RESEARCH SERVICE, DEPARTMENT OF AGRICULTURE

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—PINK BOLLWORM

ADMINISTRATIVE INSTRUCTIONS EXEMPTING CERTAIN ARTICLES FROM SPECIFIC REQUIREMENTS

On April 26, 1957, there was published in the Federal Register (22 F. R. 2955), under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), a notice of rule making relating to proposed administrative instructions exempting certain articles from the regulations supplemental to pink bollworm quarantine No. 52 (7 CFR 301.52), as revised. After due consideration of all relevant matters presented, and pursuant to said quarantine and sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), and section 106 of the Federal Plant Pest Act (Pub. Law 85-36), administrative instructions to be designated as 7 CFR 301.52a are hereby issued as follows:

§ 301.52a *Administrative instructions exempting certain articles from specified requirements.* It has been found that facts exist as to the pest risk involved in the movement of the following regulated articles under the regulations in this subpart which make it safe to make less stringent the requirements of § 301.52-4 (a) with respect to the movement of such articles from any point in the regulated area into or through any point outside of the regulated area or from the generally infested area into or through the eradication area, as hereinafter provided. The following articles are hereby exempted from the requirements of § 301.52-4 (a) under the conditions set forth below:

(a) Compressed bale cotton lint moving by common carrier when such lint has been given standard or equivalent compression.

(b) Baled cotton lint moving from the generally infested area into the eradication area.

(c) Samples of cotton lint and cotton linters of the usual trade size.

- (d) Cottonseed cake.
- (e) Cottonseed meal.
- (f) Kenaf and edible okra produced in the eradication area (Arizona, Arkansas, Louisiana) or in Oklahoma or New Mexico.
- (g) Edible okra produced in Texas during the period December 1 to April 30, inclusive.
- (h) Edible okra produced in Texas during the period May 1 to November 30, inclusive, moving to the District of Columbia or to the following States or parts of States for immediate processing or consumption therein when the containers are marked as noncertified Texas okra by a stamp as required by the inspector: Colorado, Connecticut, Delaware, Idaho, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming, and that part of Virginia, Missouri, Illinois, and Kentucky north of the 38th parallel.

These administrative instructions shall become effective on August 31, 1957. The foregoing administrative instructions relieve restrictions by permitting the movement of certain articles without a certificate or limited permit or compliance with related requirements under the pink bollworm quarantine unless the articles are found by an inspector to present a hazard of spread of the pink bollworm in specific cases. Therefore, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) the instructions may become effective less than 30 days after publication in the Federal Register.

(Sec. 9, 37 Stat. 318, sec. 106, Pub. Law 85-36, 71 Stat. 33; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 27th day of August 1957.

[SEAL]

L. F. CURL,
Acting Director, Plant Pest Control Division.

[Filed with the Division of the Federal Register, August 30, 1957, 8:48 a. m.; 22 F. R. 7016.]

P. P. C. 620, Revised

Effective October 24, 1957

TITLE 7—AGRICULTURE

CHAPTER III—AGRICULTURAL RESEARCH SERVICE, DEPARTMENT OF AGRICULTURE

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—PINK BOLLWORM

REVISED ADMINISTRATIVE INSTRUCTIONS EXEMPTING CERTAIN ARTICLES FROM SPECIFIC REQUIREMENTS

Pursuant to pink bollworm quarantine No. 52 (7 CFR 301.52; 22 F. R. 7013), sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), and section 106 of the Federal Plant Pest Act (Pub. Law 85-36), the administrative instructions appearing in 7 CFR 301.52a (22 F. R. 7016) are hereby revised to read as follows:

§ 301.52a *Administrative instructions exempting certain articles from specific requirements.* It has been found that facts exist as to the pest risk involved in the movement of the following regulated articles under the regulations in this subpart which make it safe to make less stringent the requirements of § 301.52-4 (a) with respect to the movement of such articles from any point in the regulated area into or through any point outside of the regulated area or from the generally infested area into or through the eradication area, as hereinafter provided. The following articles are hereby exempted from the requirements of § 301.52-4 (a) under the conditions set forth below:

(a) Compressed bale cotton lint moving by common carrier when such lint has been given standard or equivalent compression.

(b) Baled cotton lint moving from the generally infested area into the eradication area when the lint is from seed cotton produced in the eradication area and moved to the generally infested area for ginning.

(c) Samples of cotton lint and cotton linters of the usual trade size.

(d) Cottonseed cake.

(e) Cottonseed meal.

(f) Kenaf and edible okra produced in the eradication area (Arizona, Arkansas, Louisiana) or in Oklahoma or New Mexico.

(g) Edible okra produced in Texas during the period December 1 to April 30, inclusive.

(h) Edible okra produced in Texas during the period May 1 to November 30, inclusive, moving to the District of Columbia or to the following States or parts of States for immediate processing or consumption therein, when the containers are marked as noncertified Texas okra by a stamp as required by the inspector: Colorado, Connecticut, Delaware, Idaho, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming, and that part of Virginia, Missouri, Illinois, and Kentucky north of the 38th parallel.

These administrative instructions shall become effective October 24, 1957.

The purpose of this revision is to limit the exemption relating to "baled cotton lint moving from the generally infested area into the eradication area" to lint that is from seed cotton produced in the eradication area and moved to the generally infested area for ginning. This limitation is considered necessary to prevent the spread of the pink bollworm into the eradication area. Therefore, the revision should be made effective as soon as practicable. Accordingly, it is found upon good cause that notice and other public procedure under the Administrative Procedure Act are impracticable and contrary to the public interest, and good cause is found for making the effective date thereof less than 30 days after its publication in the Federal Register.

(Sec. 9, 37 Stat. 318, sec. 106, Pub. Law 85-36, 71 Stat. 33; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 21st day of October 1957.

[SEAL]

E. D. BURGESS,

Director, Plant Pest Control Division.

[Filed with the Division of the Federal Register, October 23, 1957, 8:48 a. m.; 22 F. R. 8347.]

P. P. C. 621, Revised

Effective December 10, 1957

TITLE 7—AGRICULTURE

CHAPTER III—AGRICULTURAL RESEARCH SERVICE, DEPARTMENT OF AGRICULTURE

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—PINK BOLLWORM

REVISED ADMINISTRATIVE INSTRUCTIONS DESIGNATING REGULATED AREA

Pursuant to § 301.52-2 of the regulations supplemental to the pink bollworm quarantine (7 CFR 301.52-2, 22 F. R. 7014), issued under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162) and sections 103 and 106 of the Federal Plant Pest Act (Pub. Law 85-36), administrative instructions designated as 7 CFR 301.52-2a (22 F. R. 7016) are hereby revised to read as follows:

§ 301.52-2a *Administrative instructions designating regulated area, eradication area, and generally infested area under the pink bollworm quarantine.*

(a) Infestations of the pink bollworm have been determined to exist, in the quarantined States, in the civil divisions and premises or parts thereof, listed below, or it has been determined that such infestation is likely to exist therein, or it is deemed necessary to regulate such localities because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities. Accordingly, the localities listed are hereby designated as the pink bollworm regulated area within the meaning of the provisions in this subpart:

Arizona. Counties of Cochise, Graham, Greenlee, and Santa Cruz, and all of Pima County except that portion lying west of the west line of Range 9 East.

Arkansas. Counties of Calhoun, Clark, Columbia, Conway, Crawford, Dallas, Franklin, Garland, Hempstead, Hot Springs, Howard, Johnson, Lafayette, Little River, Logan, Miller, Montgomery, Nevada, Ouachita, Perry Pike, Polk, Pope, Scott, Sebastian, Seiver, Union, Washington, and Yell.

Louisiana. Parishes of Allen, Beauregard, Bienville, Bossier, Caddo, Calcasieu, Cameron, Claiborne, De Soto, Iberia, Jefferson Davis, Lafayette, Natchitoches, Red River, Sabine, Saint Martin, Vermilion, Vernon, and Webster.

New Mexico. All counties in the State.

Oklahoma. All counties in the State.

Texas. All counties in the State.

(b) *Eradication area.* All regulated area within the States of Arizona, Arkansas, and Louisiana is hereby designated as eradication area.

(c) *Generally infested area.* All regulated area within the States of New Mexico, Oklahoma, and Texas is hereby designated as generally infested area.

These administrative instructions shall become effective December 10, 1957, when they shall supersede P. P. C. 621, 22 F. R. 7016 which became effective August 31, 1957.

The purposes of this revision are to add to the regulated area the Louisiana Parishes of Iberia, Lafayette, and St. Martin, where pink bollworms were found during the recent 1957 survey, and to remove from a regulated status the Louisiana Parishes of Lincoln and Union, inasmuch as no pink bollworms have been found in Lincoln or Union Parishes in the past three years and the Director of the Plant Pest Control Division has determined that adequate eradication measures have been practiced for a sufficient length of time to eradicate the pink bollworm in Lincoln and Union Parishes and that regulation of such parishes is not otherwise necessary under the regulations.

This revision, in part, imposes restrictions supplementing pink bollworm quarantine regulations already effective. It also relieves restrictions insofar as it revokes the designation of certain regulated area. It must be made effective promptly in order to carry out the purposes of the regulations and to be of maximum benefit in permitting the interstate movement, without restriction under the quarantine, of regulated products from the parishes being removed from designation as regulated area. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing revision are impracticable and contrary to the public interest, and good cause is found for making the effective date thereof less than 30 days after publication in the Federal Register.

(Sec. 9, 37 Stat. 318, sec. 106, Pub. Law 85-36, 71 Stat. 33; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 4th day of December 1957.

[SEAL]

E. D. BURGESS,

Director, Plant Pest Control Division.

[Filed with the Division of the Federal Register, December 9, 1957, 8:50 a. m.; 22 F. R. 9853.]

[Copies of these administrative instructions were sent to all common carriers doing business in or through the affected States; also through the Post Office Department, to the postmasters in the regulated area.]

[A notice to the general public concerning the above administrative instructions was published in the New Orleans States, New Orleans, La., December 12, 1957.]

ANNOUNCEMENTS RELATING TO SOYBEAN CYST NEMATODE QUARANTINE (NO. 79)

HEARINGS SET ON PROPOSED CORN DISEASE AND SOYBEAN DISEASE QUARANTINES

(Press Notice)

JANUARY 14, 1957.

Two public hearings at which interested persons may appear and express their views on proposals to quarantine the States of North and South Carolina because of the occurrence there of a newly-discovered disease of corn caused by "witchweed," and further to quarantine the States of Missouri, North Carolina, and Tennessee because of the discovery in these three States of the "yellow dwarf" disease of soybeans, will be held in Washington, D. C., on January 30 and 31, respectively, the U. S. Department of Agriculture announced today.

The hearing on the proposal to quarantine North and South Carolina because of the new corn disease, a species of *Striga* commonly known as "witchweed," begins at 10 a. m. on January 30 in room 218A of the Administration Building,

U. S. Department of Agriculture, 12th Street and Independence Avenue SW., Washington. The second hearing, relating to the "yellow dwarf" disease of soybeans caused by the soybean cyst nematode, is scheduled at 10 a. m. on January 31, also in room 218A of the Administration Building.

Witchweed (USDA Press Release No. 3320-56), the cause of the new corn disease, is an insidious weed that destroys corn and other crops of the grass family by penetrating their roots and depriving them of nutrients and water. It has been discovered in localized areas in Bladen, Columbus, Cumberland, and Robeson Counties, N. C., and in adjoining Dillon, Horry, Marion, and Marlboro Counties, S. C.

The soybean cyst nematode is capable of causing complete destruction of a crop of soybeans. It also parasitizes annual lespedeza and common vetch. The disease caused by this nematode was first called "yellow dwarf" disease in Japan, Korea, and Manchuria, where the nematode has its only known habitat outside of the United States. In this country, the pest has been found in Pemiscot County, Mo., New Hanover and Pender Counties, N. C., and Lake County, Tenn.

DEPARTMENT OF AGRICULTURE

AGRICULTURAL RESEARCH SERVICE

[17 CFR Part 301]

MISSOURI, NORTH CAROLINA, TENNESSEE

NOTICE OF PUBLIC HEARING ON QUARANTINING ON ACCOUNT OF "YELLOW DWARF" DISEASE OF SOYBEANS

Notice is hereby given in accordance with section 8 of the Plant Quarantine Act of August 20, 1912, as amended (37 Stat. 318, as amended; 7 U. S. C. 161), that the Administrator of the Agricultural Research Service has information that the "yellow dwarf" disease of soybeans, a dangerous disease notoriously injurious to soybeans and certain other plants, caused by the soybean cyst nematode (*Heterodera glycines* Ichinohe), not heretofore widely prevalent or distributed within and throughout the United States, has recently been discovered in certain parts of Missouri, North Carolina, and Tennessee.

It is therefore proposed under the authority of said section 8 of the Plant Quarantine Act to quarantine the States of Missouri, North Carolina, and Tennessee, and to restrict or prohibit the movement from said States, or from any locations therein designated as infected of (1) any soybean cyst nematode in any stage of development; (2) soil, as such or attached to articles or things; (3) nursery stock and other plants with roots attached; (4) true bulbs, corms, rhizomes and tubers; (5) root crops; (6) soybeans and soybean hay; (7) farm tools, implements and harvesting machinery; (8) construction and maintenance equipment; (9) used crates, boxes, burlap bags and other farm products containers; (10) trucks, wagons, railway cars, boats, and other means of conveyance; and (11) other articles of any character whatsoever that present a hazard of spread of the soybean cyst nematode.

A public hearing will be held before a representative of the Agricultural Research Service in room 218-A, Administration Building, U. S. Department of Agriculture, Twelfth Street and Independence Avenue SW., Washington, D. C., at 10 a. m., January 31, 1957, at which hearing any interested person may appear and be heard, either in person or by attorney, on the aforesaid proposals. Any interested person who desires to submit written data, views, or arguments on the proposals may do so by filing the same with the Chief of the Plant Pest Control Branch, Agricultural Research Service, U. S. Department of Agriculture, Washington 25, D. C., on or before January 31, 1957, or with the presiding officer at the hearing.

Done at Washington, D. C., this 11th day of January 1957.

[SEAL]

M. R. CLARKSON,
Acting Administrator, Agricultural Research Service.

[Filed with the Division of the Federal Register, January 15, 1957, 8:49 a. m.; 22 F. R. 319.]

USDA PROPOSES QUARANTINE ON 3 STATES INFESTED BY SOYBEAN CYST NEMATODES

(Press Notice)

MAY 28, 1957.

A proposal to quarantine Missouri, North Carolina, and Tennessee because of the presence of the soybean cyst nematode in those States was announced today by the U. S. Department of Agriculture.

Purpose of the proposed Federal quarantine is to prevent spread of the dangerous pest that poses a threat to the Nation's billion-dollar soybean crop, according to officials of USDA's Agricultural Research Service.

The pest has been found in 2 counties in Missouri, 2 counties in North Carolina, and 4 counties in Tennessee. While the three entire States would be quarantined, regulations would be applied to scattered properties within some counties, wider areas in others, and to entire counties as well, depending on the nature of the infestation.

A public hearing on the proposed quarantine was held in Washington, D. C., January 31, 1957.

Soybean cyst nematode has been reported present in Arkansas and Kentucky since the January public hearing. This makes it necessary to hold another hearing to consider advisability of quarantining those States.

Under the proposed quarantine, terms of which were published today in the Federal Register, a number of articles cannot be moved from the quarantined States, if it is determined they present a hazard of spread of the pest. However, in most cases such articles may be moved following handling, sanitation, or treatment practices to make them safe for movement.

The articles include live soybean cyst nematodes; soil, nursery stock, and other plants with roots attached; root crops, including bulbs; soybeans; small grains; hay, straw, fodder, and plant litter of any kind; seed cotton; used farm tools and harvesting machinery; used construction and maintenance equipment; used sacks and other containers for farm products; and the machinery and vehicles that might spread the pest.

However, under certain conditions most of the regulated articles can be moved from infested areas. These include soybeans for other than planting purposes when harvested by combine equipped with a hopper from which the threshed beans are transferred directly to an open truck in which they are moved directly to a designated oil mill or storage plant for crushing or uses other than planting. Small grains also can be moved when harvested by a combine and transferred to an open truck in which the grains move directly to designated storage plants for uses other than planting.

Root crops, such as turnips, carrots, and sweetpotatoes, may be moved if sent to designated processing plants or if washed free from soil to the satisfaction of the inspector.

Seed cotton may be moved to approved gins.

Used farm tools, implements, and harvesting machinery, as well as trucks, wagons, and other vehicles, may be moved if cleaned or treated to the satisfaction of the inspector.

Certificates may be issued by the inspector for the movement of regulated articles under certain conditions specified in the regulations. Such certificates are issued only when in the inspector's judgment no infestation would be transmitted.

USDA's Agricultural Research Service has analyzed the production, harvesting, handling, and processing of soybeans and other commodities affected by the nematode, in order to draw up regulations that would impose the least possible burden on persons who deal with those commodities and, at the same time, safeguard all concerned.

An extensive research program is underway to develop means whereby products may move to market with a minimum of interference in trade. When improved methods are found, they will be put into immediate effect.

Since the Federal Government has authority to regulate only interstate movement of commodities, each State affected is expected to issue a quarantine to protect uninfested areas within its own borders.

Affected counties are: Pemiscot and New Madrid Counties, Mo.; New Hanover and Pender Counties, N. C.; and Dyer, Lake, Lauderdale, and Obion Counties, Tenn.

Today's notice in the Federal Register gives 30 days for interested persons to express views on the contemplated quarantine. Written views should be sent to Plant Pest Control Division, Agricultural Research Service, U. S. Department of Agriculture, Washington 25, D. C.

The soybean cyst nematode attacks the roots of soybeans and certain other crops, including annual lespedeza, common vetch, and snap beans. It made its first United States appearance in 1954. Before that time it was known only in Japan, Manchuria, and Korea.

HEARING SET ON SOYBEAN CYST NEMATODE QUARANTINE

(Press Notice)

JUNE 24, 1957.

A public hearing at which interested persons may express views on a proposal to quarantine Arkansas and Kentucky because of occurrence there of the soybean cyst nematode will be held in the Panorama Room of the King Cotton Hotel, Jefferson at Front Street, Memphis, Tenn., at 10 a. m., July 24, 1957, the U. S. Department of Agriculture announced today.

Details of proposed quarantine regulations that would be applicable to soybean cyst nematode infested localities in Missouri, North Carolina, and Tennessee were announced by the Department May 28 (USDA Press Release No. 1683-57). It is contemplated that, in the event of the quarantining of Arkansas and Kentucky, similar regulations would be applicable to the movement from infested sections of these States of soil and other products and articles that might spread the pest.

The soybean cyst nematode is capable of causing destruction of a crop of soybeans. It also parasitizes annual lespedeza and common vetch. It has been found in 14 fields in Mississippi County, and in one field in Crittenden County, Ark. In Kentucky, cysts have been collected in one field in the extreme western part of Fulton County, about 3 miles north of the Tennessee State line. Fulton County, Ky., is immediately north of Lake and Obion County, Tenn., where infestations were already known to occur.

DEPARTMENT OF AGRICULTURE

AGRICULTURAL RESEARCH SERVICE

[7 CFR Part 301]

DOMESTIC QUARANTINE NOTICES

SOYBEAN CYST NEMATODE; ARKANSAS AND KENTUCKY

The Administrator of the Agricultural Research Service has information that the soybean cyst nematode (*Heterodera glycines* Ichinohe), which causes a dangerous disease of soybeans and which previously has been found to exist in certain parts of Missouri, North Carolina, and Tennessee, has recently been discovered in certain parts of Arkansas and Kentucky.

Notice is hereby given that it is proposed under the authority of section 8 of the Plant Quarantine Act, as amended (7 U. S. C. 161) and section 106 of the Federal Plant Pest Act (Public Law 85-36), to quarantine the States of Arkansas and Kentucky, and to restrict or prohibit the movement from said States, or from any locations therein designated as infested, into or through any other State, Territory, or District of the United States, of (1) soil, separately or with other articles; (2) nursery stock and other plants with roots attached; (3) true bulbs, corms, rhizomes, and tubers; (4) root crops; (5) soybeans; (6) small grains; (7) ear corn; (8) hay, straw, fodder and plant litter of any kind; (9) seed cotton; (10) used farm tools, implements, and harvesting machinery; (11) used construction and maintenance equipment; (12) used crates, boxes, burlap bags, and cotton picking sacks, and other used farm products containers; and (13) other farm products, farm equipment, and processing machinery, trucks, wagons, railway cars, aircraft, boats, and other means of conveyance, and unlimited by the foregoing, any other products and articles of any character whatsoever that present a hazard of spread of the soybean cyst nematode.

Regulations would also be issued under the Federal Plant Pest Act governing the movement in interstate commerce of live soybean cyst nematodes in any stage of development.

A public hearing will be held before a representative of the Agricultural Research Service in the Panorama Room of the King Cotton Hotel, Jefferson at Front Street, Memphis, Tennessee, at 10 a. m., July 24, 1957, at which hearing any interested person may appear and be heard, either in person or by attorney, on the aforesaid proposals. Any interested person who desires to submit written data, views, or arguments on the proposals may do so by filing the same with the Director of the Plant Pest Control Division, Agricultural Research Service, U. S. Department of Agriculture, Washington 25, D. C., on or before July 24, 1957, or with the presiding officer at the hearing.

Done at Washington, D. C., this 21st day of June 1957.

[SEAL]

M. R. CLARKSON,

Acting Administrator, Agricultural Research Service.

[Filed with the Division of the Federal Register, June 25, 1957, 8:48 a. m., 22 F. R. 4472.]

SOYBEAN CYST NEMATODE HEARING TO INCLUDE MISSISSIPPI

(Press Notice)

JULY 11, 1957.

A proposal to include the State of Mississippi in quarantine action because of the recent finding there of the soybean cyst nematode will be considered at a public hearing July 24, along with previously announced similar proposals to quarantine the States of Arkansas and Kentucky (USDA Press Release No. 1986-57).

The expanded hearing will be held in the Panorama Room of the King Cotton Hotel, Jefferson at Front Street, Memphis, Tenn., at 10 a. m., July 24, 1957, the U. S. Department of Agriculture announced today.

The newly reported infestation in Mississippi is limited to a single farm in De Soto County, in the northwestern corner of the State.

DEPARTMENT OF AGRICULTURE

AGRICULTURAL RESEARCH SERVICE

[7 CFR Part 301]

SOYBEAN CYST NEMATODE; MISSISSIPPI

DOMESTIC QUARANTINE NOTICE

The Administrator of the Agricultural Research Service has information that the soybean cyst nematode (*Heterodera glycines* Ichinohe), which causes a dangerous disease of soybeans and which previously has been found in certain parts of Arkansas, Kentucky, Missouri, North Carolina, and Tennessee, has recently been discovered in certain parts of Mississippi.

Notice is hereby given that it is proposed under the authority of section 8 of the Plant Quarantine Act, as amended (7 U. S. C. 161) and section 106 of the Federal Plant Pest Act (Public Law 85-36), to quarantine the State of Mississippi, and to restrict or prohibit the movement from said State, or from any locations therein designated as infested, into or through any other State, Territory, or District of the United States, of (1) soil, separately or with other articles; (2) nursery stock and other plants with roots attached; (3) true bulbs, corms, rhizomes, and tubers; (4) root crops; (5) soybeans; (6) small grains; (7) ear corn; (8) hay, straw, fodder and plant litter of any kind; (9) seed cotton; (10) used farm tools, implements, and harvesting machinery; (11) used construction and maintenance equipment; (12) used crates, boxes, burlap bags, and cotton picking sacks, and other used farm products containers; and (13) other farm products, farm equipment, and processing machinery, trucks, wagons, railway cars, aircraft, boats, and other means of conveyance, and unlimited by the foregoing, any other products and articles of any character whatsoever that present a hazard of spread of the soybean cyst nematode.

Regulations would also be issued under the Federal Plant Pest Act governing the movement in interstate commerce of live soybean cyst nematodes in any stage of development.

A notice was published in the Federal Register on June 26, 1957 (22 F. R. 4472) concerning a public hearing to be held before a representative of the

Agricultural Research Service in the Panorama Room of the King Cotton Hotel, Jefferson at Front Street, Memphis, Tennessee, at 10 a. m., July 24, 1957, for the purpose of considering the proposal to quarantine the States of Arkansas and Kentucky and to restrict or prohibit the interstate movement of the aforesaid articles and products. Notice is hereby given that consideration will similarly be given at the same hearing to the aforesaid proposal concerning Mississippi. At the hearing any interested person may appear and be heard, either in person or by attorney, on any of the aforesaid proposals. Any interested person who desires to submit written data, views or arguments on the proposals may do so by filing the same with the Director of the Plant Pest Control Division, Agricultural Research Service, U. S. Department of Agriculture, Washington 25, D. C., on or before July 24, 1957, or with the presiding officer at the hearing.

Done at Washington, D. C., this 10th day of July 1957.

[SEAL]

M. R. CLARKSON,
Acting Administrator, Agricultural Research Service.

[Filed with the Division of the Federal Register, July 11, 1957, 8:59 a. m.; 22 F. R. 4918.]

USDA TO REGULATE AREAS IN 3 STATES QUARANTINED BECAUSE OF SOYBEAN CYST NEMATODE

(Press Notice)

JULY 24, 1957.

Effective July 26, 3 localities and 32 individual premises in Missouri, North Carolina, and Tennessee will be regulated under quarantines issued by the USDA because of the presence of soybean cyst nematode, the U. S. Department of Agriculture announced today.

Quarantine regulations provide that certain products and articles may move from infested areas only under certification or permit issued by the USDA.

Products and articles affected include: Live soybean cyst nematodes, soil, nursery stock and other plants with roots attached, root crops, bulbs, soybeans, small grains, hay, straw, fodder, and plant litter of any kind; seed cotton, used farm tools and harvesting machinery, used construction and maintenance equipment, used sacks and other containers for farm products, and other machinery and vehicles that might spread the pest.

Provisions are made for allowing movement of most of the regulated products and articles following inspection or treatment, or under other conditions of handling or sanitary practices that render them safe for movement.

Counties containing regulated localities or premises are: Pemiscot and New Madrid Counties, Mo.; New Hanover and Pender Counties, N. C.; and Dyer, Lake, Lauderdale, and Obion Counties, Tenn.

Details of the quarantine regulations were published in proposed form in the Federal Register, May 28 (USDA Press Release 1683-57).

P. P. C.—Q. 79

Effective July 26, 1957

TITLE 7—AGRICULTURE

CHAPTER III—AGRICULTURAL RESEARCH SERVICE, DEPARTMENT OF AGRICULTURE

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—SOYBEAN CYST NEMATODE

QUARANTINE AND REGULATIONS

On May 28, 1957, there was published in the Federal Register (22 F. R. 3725), under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), a notice of rule making concerning proposed notice of quarantine No. 79 relating to the soybean cyst nematode and related regulations. After due consideration of all relevant matters presented, and pursuant to sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162) and sections 103 and 106 of the Federal Plant Pest Act of May 23, 1957 (Public Law 85-36; 71 Stat. 32, 33), the quarantine and regulations to appear in 7 CFR 301.79, 301.79-1 et seq., are hereby issued as follows:

QUARANTINE

Sec.
301.79 Notice of quarantine.

REGULATIONS

- 301.79-1 Definitions.
- 301.79-2 Designation of regulated area.
- 301.79-3 Soybean cyst nematodes; conditions of movement.
- 301.79-4 Other regulated articles; conditions of movement.
- 301.79-5 Use of certificates or limited permits with shipments.
- 301.79-6 Protecting certified articles.
- 301.79-7 Conditions governing the issuance of certificates and limited permits.
- 301.79-8 Assembly of articles for inspection.
- 301.79-9 Cancellation of certificates or limited permits.
- 301.79-10 Inspection and disposal.
- 301.79-11 Nonliability of Department.

AUTHORITY: §§ 301.79 to 301.79-11 issued under sec. 9, 37 Stat. 318, secs. 103, 106, Pub. Law 85-36, 85th Cong.; 7 U. S. C. 162. Interpret or apply sec. 8, 37 Stat. 318, as amended, 7 U. S. C. 161.

QUARANTINE

§ 301.79 *Notice of quarantine.* Under the authority conferred by sections 103 and 106 of the Federal Plant Pest Act (Public Law 85-36, 71 Stat. 32, 33) and sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended (37 Stat. 318, as amended, 7 U. S. C. 161, 162), and after public hearing, it has been determined that it is necessary to quarantine the States of Missouri, North Carolina, and Tennessee to prevent the spread of the soybean cyst nematode. (*Heterodera glycines* Ichinohe), which causes a dangerous disease of soybeans and certain other plants, and which has not heretofore been widely prevalent or distributed within and throughout the United States, and said States are hereby quarantined and regulations are hereinafter prescribed (§§ 301.79-1 to 301.79-11) governing the movement of the soybean cyst nematode and carriers thereof. Hereafter the following shall not be shipped, deposited for transmission in the mail, offered for shipment, received for transportation, carried, otherwise transported or moved, or allowed to be moved by mail or otherwise, by any person, from any quarantined State into or through any other State, Territory, or District of the United States in any manner or method or under conditions other than those prescribed in the regulations, as from time to time amended: (a) Soil, separately or with other things; (b) nursery stock and other plants with roots attached; (c) true bulbs, corms, rhizomes, and tubers; (d) root crops; (e) soybeans; (f) small grains; (g) ear corn; (h) hay, straw, fodder and plant litter of any kind; (i) seed cotton; (j) used farm tools, implements, and harvesting machinery; (k) used construction and maintenance equipment; (l) used crates, boxes, burlap bags, and cotton picking sacks, and other used farm products containers; and (m) other farm products and farm equipment, processing machinery, trucks, wagons, railway cars, aircraft, boats, and other means of conveyance, and unlimited by the foregoing, any other products and articles of any character whatsoever, not covered by paragraphs (a) through (l) of this section, when it is determined in accordance with the regulations, that they present a hazard of spread of soybean cyst nematodes. However, the requirements of this quarantine and other regulations with respect to such products, articles, and means of conveyance are hereby limited to the areas in any quarantined State which may be designated as regulated areas as provided in the regulations, as long as in the judgment of the Administrator of the Agricultural Research Service, the enforcement of the regulations as to such regulated areas will be adequate to prevent the spread of soybean cyst nematodes, except that such limitation is further conditioned upon the affected State's providing regulations for and enforcing control of the movement within such State of soybean cyst nematodes and other regulated articles under the same conditions as those which apply to their interstate movement under the provisions of the currently existing Federal quarantine and other regulations in this subpart, and upon the State's providing regulations for and enforcing such sanitation measures with respect to such areas or portions thereof as, in the judgment of said Administrator, are adequate to prevent the spread of soybean cyst nematodes within such State. Moreover, whenever the Director of the Plant Pest Control Division shall find that facts exist as to the pest risk involved in the movement of one or more of the products, articles, and means of conveyance to which the regulations apply, making it safe to modify by making less stringent the requirements contained in the regulations, except § 301.79-3, he shall set forth and publish such finding in administrative instructions, specifying the manner in which the regulations should be made less stringent, whereupon such modification shall become effective for such period and for such regulated areas or portions thereof and

for such products, articles, and means of conveyance, as shall be specified in said administrative instructions, and every reasonable effort shall be made to give publicity to such administrative instructions throughout the affected areas. Under the Federal Plant Pest Act, no person shall knowingly move any soybean cyst nematodes into or through the United States or from any State, Territory, or District of the United States into or through any other such State, Territory, or District, or knowingly accept delivery of such nematodes so moving, unless such movement is authorized under permit from the Department of Agriculture and is made in accordance with any conditions in the permit and applicable provisions of this subpart.

REGULATIONS

§ 301.79-1 *Definitions.* For the purposes of the provisions in this subpart, except where the context otherwise requires, the following terms shall be construed respectively to mean:

(a) *Soybean cyst nematode.* The nematode known as the soybean cyst nematode (*Heterodera glycines* Ichinohe), in any stage of development.

(b) *Infestation.* The presence of the soybean cyst nematode.

(c) *Regulated area.* Any county, other minor civil division, farm, or other premises, or part thereof, designated in administrative instructions under § 301.79-2 as a regulated area.

(d) *Regulated articles.* Soybean cyst nematodes, means of conveyance, and other products and articles of any character whatsoever, the movement of which is regulated by the soybean cyst nematode quarantine (§ 301.79) and the regulations in §§ 301.79-1 through 301.79-11.

(e) *"Moved"* (*"movement," "move"*). Shipped, deposited for transmission in the mail, offered for shipment, received for transportation, carried, otherwise transported or moved, or allowed to be moved, by mail or otherwise, by any person, interstate, directly or indirectly. *"Movement"* and *"move"* shall be construed accordingly.

(f) *Interstate.* From any State, Territory, or District (including possessions and the District of Columbia) of the United States into or through any other such State, Territory, or District.

(g) *Certificate.* A document evidencing compliance with the requirements of this subpart.

(h) *Limited permit.* A document authorizing the movement of regulated articles to a restricted destination for limited handling, utilization, or processing, or for treatment.

(i) *Dealer-carrier agreement.* An agreement to comply with stipulated conditions, executed by persons engaged in purchasing, assembling, exchanging, handling, processing, utilizing, treating, or moving regulated articles.

(j) *Administrative instructions.* Documents relating to the enforcement of the provisions in this subpart issued under authority of such provisions by the Director of the Plant Pest Control Division, Agricultural Research Service.

(k) *Inspector.* An inspector of the United States Department of Agriculture.

(l) *Person.* This term includes any corporation, partnership, firm, company, joint stock company, society, or association, as well as any individual.

§ 301.79-2 *Designation of regulated areas.* The Director of the Plant Pest Control Division shall, from time to time, in administrative instructions promulgated by him, list the counties, other minor civil divisions, farms, or other premises, or parts thereof, in the quarantined States, in which infestation has been determined to exist, or in which it has been determined infestation is likely to exist, or which it is deemed necessary to regulate because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities, and shall designate such civil divisions, other premises, and parts thereof, as regulated areas. Any civil division, premises or part thereof, so designated shall continue in a regulated status until the Director of the Plant Pest Control Division shall have determined that adequate eradication measures have been practiced for a sufficient length of time to eradicate the soybean cyst nematode therein and that regulation of such area is not otherwise necessary under this section, and shall have issued administrative instructions revoking the designation of such civil division, premises, or part thereof, as a regulated area.

§ 301.79-3 *Soybean cyst nematodes; conditions of movement.* Live soybean cyst nematodes may be moved from any State, Territory, or District of the United States into or through any other such State, Territory, or District and delivery of such nematodes so moving may be accepted only if such movement is made for scientific purposes under specific permit from the Director of the Plant Pest Control Division and in accordance with such conditions as may be

required in such permit by the Director. The permit shall be securely attached to the outside of the container of the nematodes when they are so moved.

§ 301.79-4 *Other regulated articles; conditions of movement*—(a) *Designated articles*. Unless exempted by administrative instructions, the following may be moved from any regulated area into or through any point outside of the regulated areas only if accompanied by a valid certificate or limited permit issued in compliance with § 301.79-7 and if the applicable requirements of §§ 301.79-5 and 301.79-6 are also met; soil, separately or with other things; nursery stock and other plants with roots attached; true bulbs, corms, rhizomes and tubers; root crops; soybeans; small grains; ear corn; hay, straw, fodder, and plant litter of any kind; seed cotton; used farm tools, implements and harvesting machinery; used construction and maintenance equipment; and used crates, boxes, burlap bags, and cotton picking sacks, and other used farm products containers. However, regulated articles of kinds within this paragraph which originate outside of the regulated areas and are moving through or are being reshipped from a regulated area may be moved from such regulated area into or through any point outside of the regulated areas without further restriction under this subpart when their point of origin is clearly indicated, when their identity has been maintained, and when they have been safeguarded against infestation while in the regulated areas in a manner satisfactory to an inspector and do not present a hazard of spread of the soybean cyst nematode. Otherwise such regulated articles shall be subject to all applicable requirements under this subpart for articles originating in the regulated areas.

(b) *Articles determined to present hazards*. When it has been determined by an inspector that, due to contamination with the soybean cyst nematode, a hazard of spread of the nematode is presented by any farm products, farm equipment, processing machinery, trucks, wagons, railway cars, aircraft, boats, other means of conveyance, or, unlimited by the foregoing, any other products or articles of any character whatsoever, not covered by paragraph (a) of this section or § 301.79-3, notice of such fact shall be given to the person having custody thereof. Thereafter, such contaminated articles may be moved from any regulated area into or through any point outside of the regulated areas only after they have been cleaned, treated, or otherwise disinfested to the satisfaction of the inspector or when they are going under limited permit as required by the inspector.

§ 301.79-5 *Use of certificates or limited permits with shipments*. Every container of regulated articles, or if there is none the article itself, required to have a certificate or limited permit under § 301.79-4 shall have such certificate or permit securely attached to the outside thereof, when offered for movement under said section, except that where the regulated articles are adequately described on a certificate or limited permit attached to the waybill, the attachment of a certificate or limited permit to each container of the articles, or to the article itself, will not be required.

§ 301.79-6 *Protecting certified articles*. Subsequent to certification as provided in § 301.79-7, regulated articles must be loaded, handled, and shipped, only under such protection and safeguards against infestation as are required by the inspector.

§ 301.79-7 *Conditions governing the issuance of certificates and limited permits*—(a) *Certificates*. Certificates may be issued by the inspector for the movement of the regulated articles designated in § 301.79-4 (a) under any of the following conditions:

(1) When, in the judgment of the inspector, they have not been exposed to infestation.

(2) When they have been examined by the inspector and found to be free of infestation.

(3) When they have been treated to destroy infestation under the observation of the inspector and in accordance with methods selected by him from administratively authorized procedures known to be effective under the conditions in which applied.

(4) When grown, produced, manufactured, stored, or handled in such manner that, in the judgment of the inspector, no infestation would be transmitted thereby.

(b) *Limited permits*. Limited permits may be issued by the inspector for the movement of non-certified regulated articles under § 301.79-4 to specified destinations for limited handling, utilization, or processing, or for treatment.

(c) *Dealer-carrier agreement*. As a condition of issuance of certificates or limited permits for the movement of regulated articles, any person engaged in

purchasing, assembling, exchanging, handling, processing, utilizing, treating, or moving such articles may be required to sign a dealer-carrier agreement stipulating that he will maintain such safeguards against the establishment and spread of infestation and comply with such conditions as to the maintenance of identity, handling, and subsequent movement of such articles and the cleaning and treatment of means of conveyance and containers used in the transportation of such articles as may be required by the inspector.

§ 301.79-8 *Assembly of articles for inspection.* Persons intending to move any of the regulated articles under § 301.79-4 shall make application for inspection as far in advance as possible, shall so handle such articles as to safeguard them from infestation, and shall assemble them at such points and in such manner as the inspector shall designate to facilitate inspection.

§ 301.79-9 *Cancellation of certificates or limited permits.* Certificates or limited permits for any regulated articles issued under the regulations in this subpart may be withdrawn or cancelled and further certificates or permits for such articles may be refused by the inspector whenever he determines that the further use of such certificates or permits might result in the spread of the soybean cyst nematode.

§ 301.79-10 *Inspection and disposal.* Any properly identified inspector is authorized to stop and inspect, without a warrant, any person or means of conveyance moving from any State, Territory, or District of the United States into or through any other such State, Territory, or District and any plant pest and any product and article of any character whatsoever carried thereby, upon probable cause to believe that such means of conveyance, product, or article is infested or infected by or contains any plant pest or is moving subject to this subpart or any other regulations under the Plant Pest Act or that such person or means of conveyance is carrying any plant pest subject to that act, and to stop and inspect, without a warrant, any means of conveyance so moving, upon probable cause to believe it is carrying any product or article prohibited or restricted movement under the Plant Quarantine Act or any quarantine or order thereunder. Such inspector is authorized to seize, destroy, or otherwise dispose of, or require disposal of, products, articles, means of conveyance, and plant pests in accordance with section 105 of the Federal Plant Pest Act and section 10 of the Plant Quarantine Act.

§ 301.79-11 *Nonliability of Department.* The United States Department of Agriculture disclaims liability for any cost incident to inspection or treatment required under the provisions in this subpart, other than for the services of the inspector.

This quarantine and the related regulations shall be effective on July 26th, 1957.

The purpose of the quarantine and regulations is to prevent the spread of the soybean cyst nematode from Missouri, North Carolina, and Tennessee, where it is known to occur, to other parts of the United States. The regulations provide methods whereby most host material and other-carriers may be inspected or treated or otherwise made eligible for interstate movement from the regulated areas. The regulations also govern movement of live soybean cyst nematodes for scientific purposes.

The quarantine and regulations are supplemented by administrative instructions listing regulated areas and providing certain exemptions from specified requirements (§§ 301.79-2a, 301.79a, post).

This quarantine and its related regulations should be effective as soon as possible in order to be of maximum benefit in preventing the interstate movement of the soybean cyst nematode. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), good cause is found for making them effective less than 30 days after publication in the Federal Register.

Done at Washington, D. C., this 23rd day of July 1957.

[SEAL]

M. R. CLARKSON,

Acting Administrator, Agricultural Research Service.

[Filed with the Division of the Federal Register, July 25, 1957, 8:55 a. m.; 22 F. R. 5911.]

[Copies of the foregoing quarantine and regulations, together with copies of the following two supplementary administrative instructions, were sent to all common carriers doing business in or through the affected States; also, through the Post Office Department, to the postmasters in the regulated area.]

[A notice to the general public concerning the above quarantine and regulations and the two supplementary administrative instructions was published in the St. Louis Post-Dispatch, St. Louis, Mo., August 1, 1957; the News & Observer, Raleigh, N. C., July 30, 1957; and the Knoxville News-Sentinel, Knoxville, Tenn., July 29, 1957.]

P. P. C. 624

Effective July 26, 1957

TITLE 7—AGRICULTURE

CHAPTER III—AGRICULTURAL RESEARCH SERVICE, DEPARTMENT OF AGRICULTURE

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—SOYBEAN CYST NEMATODE

ADMINISTRATIVE INSTRUCTIONS DESIGNATING REGULATED AREAS

On May 28, 1957, there was published in the Federal Register (22 F. R. 3728), under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), a notice of rule making to designate regulated areas under the proposed soybean cyst nematode regulations. After due consideration of all relevant matters presented, and pursuant to § 301.79-2 of the regulations supplemental to the soybean cyst nematode quarantine (7 CFR 301.79-2, *supra*), under the Federal Plant Pest Act (Pub. Law 85-36) and sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), administrative instructions to appear in 7 CFR 301.79-2a are hereby issued as follows:

§ 301.79-2a *Administrative instructions designating regulated areas under the soybean cyst nematode quarantine.* Infestations of the soybean cyst nematode have been determined to exist in the counties, other civil divisions, farms, and other premises, or parts thereof, listed below, or it has been determined that such infestation is likely to exist therein, or it is deemed necessary to regulate such localities because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities. Accordingly, such counties, other civil divisions, farms, other premises, and parts thereof, are hereby designated as soybean cyst nematode regulated areas within the meaning of the provisions in this subpart:

MISSOURI

New Madrid County. The property owned and operated by George L. Neumann, located approximately 2.9 miles east of Conran, at the southeast corner where a gravel road turns north after proceeding east $\frac{1}{2}$ mile from its intersection with State Highway M.

Pemiscot County. That portion of the county lying east and south of a line extending from a point where State Highway B intersects the Pemiscot-New Madrid County line, and extending southward along State Highway B to the point where it joins State Highway 84; thence west along State Highway 84 to a point where the highway joins State Highway C; thence southward along State Highway C to the point where it meets State Highway F; thence due south to the point where it intersects the Missouri-Arkansas State line.

Stoddard County.—The property owned by Earnest Kellett and operated by Bern Abernathy, W $\frac{1}{2}$ NE $\frac{1}{4}$ sec. 16, T. 27 N., R. 12 E.

NORTH CAROLINA

New Hanover County. That area bounded by a line beginning at the North East Cape Fear River Bridge on A. C. L. Railroad and extending southward along said railroad to Prince George Creek, thence along said creek westward to Highway U. S. 117, thence southward along U. S. 117 to a drain ditch approximately one-tenth mile south of the entrance to the North Carolina Vegetable Research Station, thence following a line in a northwesterly direction to the point where Prince George Creek empties into the North East Cape Fear River, thence upstream following said river to said A. C. L. Railroad bridge.

The property owned and operated by W. A. Buck, located on the west side of Highway U. S. 117, across from Wrightsboro school and approximately 1,400 feet north of intersection of Highway U. S. 117 and Winter Park-Wrightsboro Road.

The property owned and operated by P. Buis, located on south side of Black Swamp Road approximately 1.6 miles each of Blue Clay Road.

The property owned and operated by J. D. Murray, located at end of Murrayville Road 2.2 miles from the intersection with Black Swamp Road.

The property known as Top Notch Farm, located at the west end of Chair Road and owned by the Peschau Estate.

The property owned and operated by A. G. Seitter, Sr., located on the west side of U. S. Highway 117 and approximately 50 feet north of junction of U. S. Highway 117 and Winter Park-Wrightsboro Road.

The property owned and operated by Alex Trask, located west of Blue Clay Road beginning at a point approximately 1,000 feet north of intersection of Blue Clay Road and Black Swamp Road and extending northward along Blue Clay Road for approximately 1,400 feet to a ditch separating the Trask and Cox properties.

The property owned and operated by Alex Trask, located on north side of Black Swamp Road and approximately 1.3 miles east of Blue Clay Road.

The property owned and operated by Raiford Trask, located on east side of the Blue Clay Road and bounded on the west by the Blue Clay Road beginning at the intersection of the Blue Clay Road and Black Swamp Road and extending North for 2,400 feet, on the south by the Black Swamp Road beginning at the junction of Blue Clay and Black Swamp Roads and extending eastward seven-tenths mile, on the north by a line beginning at northern terminus of west boundary and extending eastward parallel to the south boundary for seven-tenths mile, and on the east by a line connecting the east termini of the north and south boundaries.

The property owned and operated by Raiford Trask, located on east side of Blue Clay Road 1.4 miles north of point where Blue Clay Road crosses A. C. L. Railroad.

The property owned and operated by Raiford Trask as a packing and storage area, located just south of Wrightsboro Station on west side of A. C. L. Railroad; and that property owned and operated by Alex Trask as a packing and storage area, located just south of Wrightsboro Station on east side of A. C. L. Railroad.

Pender County. That area bounded on the north by N. C. Highway 210, on the east by the Moore-Town Road, on the south by the Moore-Town Road and on the west by a line beginning on N. C. Highway 210 four-tenths mile west from junction of N. C. Highway 210 and the Moore-Town Road and extending due south to Moore-Town Road.

The property owned and operated by P. Brask, known as Marlboro Farm, located on west side of U. S. Highway 117, approximately seven-tenths mile north of Paul's Place. Also that property owned and operated by P. Brask adjoining Marlboro Farm on the south.

The property owned and operated by P. Katalinic, located on east and west side of U. S. Highway 117 at junction of Stag Park Road and U. S. Highway 117.

The property owned and operated by Paul Paskas, located approximately 1.9 miles west of Paul's Place and three-tenths mile north of N. C. Highway 40 (formerly Highway 210).

The property owned and operated by C. Heide Trask, located on south side of N. C. Highway 210 and 1.5 miles west of junction of U. S. Highway 117 and N. C. Highway 210.

The property owned and operated by C. Heide Trask, located on Moore-Town Road four-tenths mile from its intersection with N. C. Highway 210.

TENNESSEE

Dyer County. The entire county.

Lake County. The entire county.

Lauderdale County. Civil Districts 4, 5, 9, and 13.

Obion County. Civil Districts 5, 9, and 12.

Since publication on May 28, 1957, of the proposed regulated areas there have been a number of additional soybean cyst nematode infestations discovered. Consequently, certain of the areas designated herein are larger than originally proposed.

These administrative instructions list the localities that are regulated under the new soybean cyst nematode quarantine to become effective July 26, 1957. They must be made effective concurrently with such quarantine to effectuate the purposes thereof. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), good cause is found for making the instructions effective less than 30 days after publication in the Federal Register, and they shall become effective July 26, 1957.

(Sec. 9, 37 Stat. 318, sec. 106, Pub. Law 85-36, 85th Cong.; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 23rd day of July 1957.

[SEAL]

L. F. CURL,

Acting Director, Plant Pest Control Division.

[Filed with the Division of the Federal Register, July 25, 1957, 8:56 a. m.; 22 F. R. 5915.]

P. P. C. 623

Effective July 26, 1957

TITLE 7—AGRICULTURE

CHAPTER III—AGRICULTURAL RESEARCH SERVICE, DEPARTMENT OF AGRICULTURE

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—SOYBEAN CYST NEMATODE

ADMINISTRATIVE INSTRUCTIONS EXEMPTING CERTAIN ARTICLES FROM SPECIFIC REQUIREMENTS

On May 28, 1957, there was published in the Federal Register (22 F. R. 3727), under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), a notice of rule making relating to proposed administrative instructions exempting certain articles from proposed soybean cyst nematode quarantine regulations (7 CFR 301.79, 301.79-1 et seq., supra). After due consideration of all relevant matters presented, and pursuant to § 301.79 of said regulations under the Federal Plant Pest Act (Pub. Law 85-36) and sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), administrative instructions to be designated as 7 CFR 301.79a are hereby issued as follows:

§ 301.79a. *Administrative instructions exempting certain articles from specified requirements.* (a) It has been found that facts exist as to the pest risk involved in the movement of the following regulated articles under the regulations in this subpart which make it safe to make less stringent the requirements of

the regulations with respect to the movement of such articles from any regulated area, as hereinafter provided. The following articles are hereby exempted from the requirements of § 301.79-4 (a) under the conditions set forth hereinafter:

(1) Root crops, such as turnips, carrots, and sweetpotatoes, when moving to a designated processing plant, or when washed free of soil and thereafter protected from infestation to the satisfaction of the inspector;

(2) Soybeans if the beans and any containers for the beans did not come in contact with the soil during harvesting and if the beans are moving forthwith to a designated oil mill or storage facility for crushing or uses other than planting;

(3) Small grain if the grain and any containers for the grain did not come in contact with the soil during harvesting and if the grain is moving forthwith to a designated storage facility for uses other than planting;

(4) Ear corn when harvested from the stalk and placed, without coming in contact with the soil, in a wagon or truck for direct transportation to storage or other handling facility;

(5) Hay, straw, fodder and plant litter of any kind, when harvested and handled so that in the judgment of the inspector no infestation would be transmitted thereby;

(6) Seed cotton when moving to designated gins;

(7) Used farm tools and implements, when washed, steam cleaned, air cleaned, or otherwise treated, and thereafter protected from infestation, to the satisfaction of the inspector. (This exemption does not apply to mechanical cotton or corn pickers, combines, or hay balers, or to cotton picking sacks.)

(8) Trucks, wagons, railway cars, aircraft, boats, and other means of conveyance determined to present a hazard under § 301.79-4 (b), when treated to the satisfaction of the inspector.

(b) Information as to designated processing plants, oil mills, storage facilities, and gins may be obtained from the inspector.

The foregoing administrative instructions relieve restrictions and therefore under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) may be made effective less than 30 days after publication in the Federal Register. They shall become effective July 26, 1957.

(Sec. 9, 37 Stat. 318, sec. 106, Pub. Law 85-36, 85th Cong.; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 23d day of July 1957.

[SEAL]

L. F. CURL,

Acting Director, Plant Pest Control Division.

[Filed with the Division of the Federal Register, July 25, 1957, 8:55 a. m.; 22 F. R. 5916.]

USDA QUARANTINES THREE ADDITIONAL STATES BECAUSE OF SOYBEAN CYST NEMATODE

(Press Notice)

OCTOBER 8, 1957.

On October 10, 1957, Arkansas, Kentucky, and Mississippi will be added to States quarantined by the U. S. Department of Agriculture because of the presence of the soybean cyst nematode, the Department announced today.

Areas to be regulated in the three States will be limited to localities infested or likely to be infested with the pest. These comprise the delta land between the Mississippi River levee and the adjoining State lines in Crittenden and Mississippi Counties, Ark., and De Soto County, Miss., plus an individual farm each in Mississippi County, Ark., and Fulton County, Ky.

Quarantine regulations provide that certain products and articles which might harbor the soybean cyst nematode may move from infested areas only under certification or permit issued by USDA. Most regulated products and articles are allowed movement after inspection or treatment, or under other conditions of handling or sanitary practices that make them safe for movement.

The regulations apply to interstate movement of live soybean cyst nematodes, soil, nursery stock and other plants with roots attached, root crops, bulbs, ear corn, soybeans, small grains, hay, straw, fodder, and plant litter of any kind, seed cotton, used farm tools and harvesting machinery, used construction and maintenance equipment, used sacks and other containers for farm products, and other machinery, vehicles and farm products that might spread the pest.

Roots of soybeans and certain other crops, including annual lespedeza, common vetch, and snap beans are attacked by this pest. Before its discovery in the United States in 1954 it was known only in Japan, Manchuria, and Korea.

P. P. C.—Q. 79, Amendment 1

Effective October 10, 1957

TITLE 7—AGRICULTURE

CHAPTER III—AGRICULTURAL RESEARCH SERVICE, DEPARTMENT OF AGRICULTURE

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—SOYBEAN CYST NEMATODE

NOTICE OF QUARANTINE

On September 6, 1957, there was published in the Federal Register (22 F. R. 7151), under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), a notice of proposed rule making concerning an amendment of notice of quarantine No. 79 relating to the soybean cyst nematode (7 CFR 301.79, 22 F. R. 5911). After due consideration of all relevant matters presented pursuant to the notice, and under the authority of sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162) and section 106 of the Federal Plant Pest Act (Public Law 85-36), it has been determined that it is necessary to quarantine the States of Arkansas, Kentucky, and Mississippi to prevent the spread of the soybean cyst nematode, which causes a dangerous disease of soybeans and certain other plants, and which has not heretofore been widely prevalent or distributed within and throughout the United States. Accordingly, the first sentence of 7 CFR 301.79 is hereby amended to read as follows:

§ 301.79 *Notice of quarantine.* Under the authority conferred by sections 103 and 106 of the Federal Plant Pest Act (Public Law 85-36, 71 Stat. 32, 33) and sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended (37 Stat. 318, as amended, 7 U. S. C. 161, 162), and after public hearing, it has been determined that it is necessary to quarantine the States of Arkansas, Kentucky, Mississippi, Missouri, North Carolina, and Tennessee to prevent the spread of the soybean cyst nematode (*Heterodera glycines* Ichinohe), which causes a dangerous disease of soybeans and certain other plants, and which has not heretofore been widely prevalent or distributed within and throughout the United States, and said States are hereby quarantined and regulations are hereinafter prescribed (§§ 301.79-1 to 301.79-11) governing the movement of the soybean cyst nematode and carriers thereof. * * *

The purpose of this amendment is to include the States of Arkansas, Kentucky, and Mississippi in the soybean cyst nematode quarantine. The amendment should be made effective as soon as possible in order to be of maximum benefit in preventing the interstate spread of the soybean cyst nematode. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), good cause is found for making the amendment effective less than 30 days after publication in the Federal Register.

This amendment shall be effective October 10, 1957.

(Sec. 9, 37 Stat. 318, sec. 106, Pub. Law 85-36, 85th Cong.; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 7th day of October 1957.

[SEAL]

M. R. CLARKSON,

Acting Administrator, Agricultural Research Service.

[Filed with the Division of the Federal Register, October 9, 1957, 8:55 a. m.; 22 F. R. 8057.]

[Copies of the foregoing amendment, together with copies of the following supplementary administrative instructions, were sent to all common carriers doing business in or through the affected States; also, through the Post Office Department, to the postmasters in the regulated area.]

[A notice to the general public concerning the above amendment and the supplementary administrative instructions was published in the Arkansas Gazette, Little Rock, Ark., October 12, 1957; the Courier-Journal, Louisville, Ky., October 15, 1957; and the Clarion-Ledger, Jackson, Miss., October 12, 1957.]

P. P. C. 624, Amendment 1

Effective October 10, 1957

TITLE 7—AGRICULTURE

CHAPTER III—AGRICULTURAL RESEARCH SERVICE, DEPARTMENT OF AGRICULTURE

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—SOYBEAN CYST NEMATODE

AMENDMENT OF ADMINISTRATIVE INSTRUCTIONS DESIGNATING REGULATED AREAS

On September 6, 1957, there was published in the Federal Register (22 F. R. 7151), under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), a notice of rule making relating to a proposed amendment of administrative instructions designating regulated areas, now appearing as 7 CFR 301.79-2a (22 F. R. 5915). After due consideration of all relevant matters presented, and pursuant to § 301.79-2 of the regulations supplemental to the soybean cyst nematode quarantine (7 CFR 301.79-2, 22 F. R. 5911), under the Federal Plant Pest Act (Pub. Law 85-36) and sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), administrative instructions appearing as 7 CFR 301.79-2a are hereby amended by adding to the counties, other civil divisions, farms, and other premises, and parts thereof, designated therein as regulated areas, the following premises and parts of civil divisions in Arkansas, Kentucky, and Mississippi, wherein it has been determined that soybean cyst nematode infestation exists or is likely to exist.

ARKANSAS

Crittenden County. The irregular portion on the eastern boundary of the county between the Mississippi River levee and the indeterminate Arkansas-Tennessee State line, bounded on the north by the Crittenden-Mississippi County line and on the south by an east-west line projected from the levee to the State line, lying one mile south of the intersection of a graded road and the levee at the head of Wapanocca Bayou.

Mississippi County. The irregular portion on the eastern boundary of the county lying between the Mississippi River levee and the indeterminate Arkansas-Tennessee State line.

The property known as the Bert Hardesty Farm, shown on some ownership maps as the E. C. Adkisson Farm, located $1\frac{1}{2}$ miles north and $3\frac{1}{4}$ miles east of the Town of Armored on State Highway 137, this tract of land being the $S\frac{1}{2}$ of $SE\frac{1}{4}$ of sec. 6, T. 15 N., R. 13 E.

KENTUCKY

Fulton County. The property owned and operated by Whitson Bros., in secs. 24 and 25, T. 1 N., R. 7 W., in the detached portion of Fulton County.

MISSISSIPPI

De Soto County. That portion of secs. 28, 29, 31, and 32, T. 2 S., R. 10 W., lying between the Mississippi River levee and the Mississippi-Arkansas State line.

This amendment shall become effective October 10, 1957.

It should be made effective as soon as possible in order to be of maximum benefit in preventing the interstate spread of the soybean cyst nematode. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), good cause is found for making the instructions effective less than 30 days after publication in the Federal Register.

(Sec. 9, 37 Stat. 318, sec. 106, Pub. Law 85-36, 85th Cong.; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161.)

Done at Washington, D. C., this 7th day of October 1957.

[SEAL]

E. D. BURGESS,
Director, Plant Pest Control Division.

[Filed with the Division of the Federal Register, October 9, 1957, 8:55 a. m.; 22 F. R. 8058.]

USDA ADDS TO SOYBEAN CYST NEMATODE QUARANTINE AREAS

(Press Notice)

DECEMBER 6, 1957.

Sixteen farms and two areas of several sections each are being added to the regions regulated because of the soybean cyst nematode in Arkansas, Kentucky, Missouri, North Carolina, and Tennessee, effective December 10, the U. S. Department of Agriculture announced today.

Involved in the extensions are: Arkansas, 1 farm in Crittenden County and 2 farms and 2 localities in Mississippi County; Kentucky, 4 farms in Fulton County, Missouri, 2 farms in New Madrid County; North Carolina, 1 farm each in Camden and New Hanover Counties and 4 farms in Pender County; and Tennessee, 1 farm in Obion County. There is no change in the regulated area in Mississippi.

Six civil districts in Dyer County, Tenn., have been removed from their regulated status. Repeated surveys in these districts have shown them free of soybean cyst nematode infestation.

Quarantine regulations provide that certain products and articles may move from infested areas only under certification or permit issued by USDA.

Products and articles affected include: Live soybean cyst nematodes, soil, nursery stock and other plants with roots attached, root crops, bulbs, soybeans, small grains, hay, straw, fodder, and plant litter of any kind; seed cotton, used farm tools and harvesting machinery, used construction and maintenance equipment, used sacks and other containers for farm products, and other machinery and vehicles that might spread the pest.

Provisions are made for allowing movement of most of the regulated products and articles following inspection or treatment, or under other conditions of handling or sanitary practices that render them safe for movement.

Roots of soybeans and certain other crops—including annual lespedeza, common vetch and snap beans—are attacked by this pest. Before its discovery in the United States in 1954 it was known only in Japan, Manchuria, and Korea.

P. P. C. 624, Revised

Effective December 10, 1957

TITLE 7—AGRICULTURE

CHAPTER III—AGRICULTURAL RESEARCH SERVICE, DEPARTMENT OF AGRICULTURE

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—SOYBEAN CYST NEMATODE

REVISION OF ADMINISTRATIVE INSTRUCTIONS DESIGNATING REGULATED AREAS

Pursuant to § 301.79-2 of the regulations supplemental to the soybean cyst nematode quarantine (7 CFR 301.79-2, 22 F. R. 5913), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162) and sections 103 and 106 of the Federal Plant Pest Act of May 23, 1957 (Pub. Law 85-36; 71 Stat. 32, 33), administrative instructions appearing as 7 CFR 301.79-2a are hereby revised to read as follows:

§ 301.79-2a *Administrative instructions designating regulated areas under the soybean cyst nematode quarantine.* Infestations of the soybean cyst nematode have been determined to exist in the counties, other civil divisions, farms, and other premises, or parts thereof, listed below, or it has been determined that such infestation is likely to exist therein, or it is deemed necessary to regulate such localities because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities. Accordingly, such counties, other civil divisions, farms, other premises, and parts thereof, are hereby designated as soybean cyst nematode regulated areas within the meaning of the provisions in this subpart:

ARKANSAS

Crittenden County. The irregular portion on the eastern boundary of the county between the Mississippi River levee and the indeterminate Arkansas-Tennessee State line, bounded on the north by the Crittenden-Mississippi County line and on the south by an east-west line projected from the levee to the State line, lying one mile south of the intersection of a graded road and the levee at the head of Wapanocca Bayou.

The property known as the Clarence Williams Farm, located in sec. 21, T. 5 N., R. 8 E. Mississippi County. The irregular portion on the eastern boundary of the county lying between the Mississippi River levee and the indeterminate Arkansas-Tennessee State line. The property known as the Bert Hardesty Farm, shown on some ownership maps as the E. C. Addison Farm, located 1½ miles north and 3¼ miles east of the Town of Armorer on State Highway 137, this tract of land being the S½ of SE¼ of sec. 6, T. 15 N., R. 13 E.

That area bounded on the north by the Arkansas-Missouri State line; on the east by the Mississippi River levee; on the south by the south section lines of sec. 30, T. 16 N., R. 13 E., of secs. 25, 26, 27, 28, 29, and 30, T. 16 N., R. 12 E., and of secs. 25, 26, and 27, T. 16 N., R. 11 E.; and on the west by U. S. Highway 61.

That area bounded by a line beginning at the intersection of State Highway 18 and the Mississippi River levee and extending southwest along the levee to the west section line of sec. 4, T. 14 N., R. 12 E., thence due north along the west section lines of sec. 4, T. 14 N., R. 12 E., and of secs. 33, 28, 21, and 16, T. 15 N., R. 12 E., to State Highway 18, and thence east, south, and southeast along said highway to the point of beginning.

The property known as the Milton Bunch Farm, in E $\frac{1}{2}$ sec. 21, T. 16 N., R. 11 E.

The property known as the Hughes and Humphries Trustees Farm, in E $\frac{1}{2}$ sec. 35, T. 15 N., R. 11 E.

KENTUCKY

Fulton County. All the land owned by Terry Jamerson on the south half of Island No. 8, Mississippi River, in sec. 5, in NW $\frac{1}{4}$ sec. 4, and in E $\frac{1}{2}$ sec. 6, T. 1 N., R. 6 W.

All the land owned by Ruby Peyton, in sec. 13, T. 1 N., R. 7 W., in the detached portion of Fulton County.

That portion of the Norman Sutton farm lying between the levee and the Mississippi River, in sec. 12, T. 1 N., R. 7 W.

That portion of the Whitson Bros. farm lying between the levee and the Mississippi River, in secs. 24 and 25, T. 1 N., R. 7 W., in the detached portion of Fulton County.

The Whitson Bros. farm, known as the old L. Everett place, in S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$ sec. 23, T. 1 N., R. 7 W., in the detached portion of Fulton County.

MISSISSIPPI

De Soto County. That portion of secs. 28, 29, 31, and 32, T. 2 S., R. 10 W., lying between the Mississippi River levee and the Mississippi-Arkansas State line.

MISSOURI

New Madrid County. The property owned by J. V. Conran and operated by Delisle-Pike Farms, located on the north and south sides of U. S. Highway 61 and 0.8 mile northeast of junction of Mo. Highway M and U. S. Highway 61 at Conran.

The property owned and operated by Charles Pickey and Son, located on the north and south sides of Mo. Highway F and 0.6 mile east of Jaywee intersection.

The property owned and operated by George L. Neumann, located approximately 2.9 miles east of Conran, at the southeast corner where a gravel road turns north after proceeding east $\frac{1}{2}$ mile from its intersection with State Highway M.

Pemiscot County. That portion of the county lying east and south of a line beginning at a point where State Highway B intersects the Pemiscot-New Madrid County line, and extending southward along State Highway B to the point where it joins State Highway 84; thence west along State Highway 84 to a point where the highway joins State Highway C; thence southward along State Highway C to the point where it meets State Highway F; thence due south to the point where it intersects the Missouri-Arkansas State line.

Stoddard County. The property owned by Earnest Kellett and operated by Bern Abernathy, being the W $\frac{1}{2}$ NE $\frac{1}{4}$ sec. 16, T. 27 N., R. 12 E.

NORTH CAROLINA

Camden County. The property owned and operated by Mack L. Sawyer, located on north side of a black top road and 0.3 mile west of Pierceville.

New Hanover County. That area bounded by a line beginning at the North East Cape Fear River Bridge on A. C. L. Railroad and extending southward along said railroad to Prince George Creek, thence along said creek westward to Highway U. S. 117, thence southward along U. S. 117 to a drain ditch approximately one-tenth mile south of the entrance to the North Carolina Vegetable Research Station, thence in a northwesterly direction to the point where Prince George Creek empties into the North East Cape Fear River, thence upstream following said river to said A. C. L. Railroad bridge.

The property owned and operated by W. A. Buck, located on west side of Highway U. S. 117, across from Wrightsboro school and approximately 1,400 feet north of intersection of Highway U. S. 117 and Winter Park-Wrightsboro Road.

The property owned and operated by E. Buis, located on south side of Black Swamp Road approximately 1.6 miles east of Blue Clay Road.

The property owned and operated by J. D. Murray, located at end of Murrayville Road 2.2 miles from the intersection with Black Swamp Road.

The property known as Top Notch Farm, located at the west end of Chair Road and owned by the Peschau Estate.

The property owned and operated by A. G. Seitter, Sr., located on the west side of U. S. Highway 117 and approximately 50 feet north of junction of U. S. Highway 117 and Winter Park-Wrightsboro Road.

The property, consisting of two fields, owned and operated by D. Swart and Sons, located 1.3 miles south of intersection of Skippers Corner Road and Atlantic Coastline Railroad and approximately 1 mile east of U. S. Highway 117.

The property owned and operated by Alex Trask, located west of Blue Clay Road beginning at a point approximately 1,000 feet north of intersection of Blue Clay Road and Black Swamp Road and extending northward along Blue Clay Road for approximately 1,400 feet to a ditch separating the Trask and Cox properties.

The property owned and operated by Alex Trask, located on north side of Black Swamp Road and approximately 1.3 miles east of Blue Clay Road.

The property owned and operated by Raiford Trask located on east side of the Blue Clay Road and bounded on the west by the Blue Clay Road beginning at the intersection of the Blue Clay Road and Black Swamp Road and extending north for 2,400 feet, on the south by the Black Swamp Road beginning at junction of Blue Clay and Black Swamp Roads and extending eastward seven-tenths mile, on the north by a line beginning at northern terminus of west boundary and extending eastward parallel to the south boundary for seven-tenths mile, and on the east by a line connecting the east termini of the north and south boundaries.

The property owned and operated by Raiford Trask, located on east side of Blue Clay Road 1.4 miles north of point where Blue Clay Road crosses A. C. L. Railroad.

The property owned and operated by Raiford Trask as a packing and storage area, located just south of Wrightsboro Station on west side of A. C. L. Railroad; and that property owned and operated by Alex Trask as a packing and storage area, located just south of Wrightsboro Station on east side of A. C. L. Railroad.

Pender County. That area bounded on the north by N. C. Highway 210, on the east by the Moore-Town Road, on the south by the Moore-Town Road and on the west by a line beginning on N. C. Highway 210 fourth-tenths mile west from the junction of N. C. Highway 210 and the Moore-Town Road and extending due south to Moore-Town Road.

The property owned and operated by P. Brask, known as Marlboro Farm, located on west side of U. S. Highway 117, approximately seven-tenths mile north of Paul's Place. Also that property owned and operated by P. Brask adjoining Marlboro Farm on the south.

The property owned and operated by P. Katalinic, located on east and west side of U. S. Highway 117 at junction of Stag Park Road and U. S. Highway 117.

The property owned and operated by Paul Paskas, located approximately 1.9 miles west of Paul's Place and three-tenths mile north of N. C. Highway 40 (formerly Highway 210).

The property owned and operated by C. Heide Trask, located on south side of N. C. Highway 210 and 1.5 miles west of junction of U. S. Highway 117 and N. C. Highway 210.

The property owned and operated by C. Heide Trask, located on Moore-Town Road four-tenths mile from its intersection with N. C. Highway 210.

The property owned and operated by W. E. Motley, located on east side of Kelly Road and 1.1 miles northeast of junction of Kelly Road and N. C. Highway 40.

The property owned and operated by Henry Clark, located at the intersection of Kelly Road and N. C. Highway 210, being on the north side of N. C. Highway 210 and the east side of Kelly Road, approximately 500 feet north of the intersection of Kelly Road and N. C. Highway 40.

The property owned and operated by Henry Clark, located on the south side of N. C. Highway 40 and 0.2 mile southeast of Bell's Crossroads.

The property owned and operated by W. B. Keith, located on the west side of Clarks Landing Loop Road and one mile southwest of Bell's Crossroads.

TENNESSEE

Dyer County. All of the county except Civil Districts 1, 6, 7, 8, 9, and 15.

Lake County. The entire county.

Lauderdale County. Civil Districts 4, 5, 9, and 13.

Obion County. Civil Districts 5, 9, and 12; and that part of Civil District 13 consisting of the farm of approximately 365 acres owned by R. C. Reynolds, 730 East High Street, Union City, Tennessee, operated by O. T. Baker and located south of the City of Union City, approximately one mile south of the intersection of U. S. Highway 45-W and U. S. Highway 51, lying on the east side of U. S. Highway 45-W and extending southward from this point, between U. S. Highway 45-W and the Gulf, Mobile & Ohio Railroad to the south boundary of the property.

This revision has the effect of adding to the areas now regulated in Crittenden and Mississippi Counties, Arkansas; Fulton County, Kentucky; New Madrid County, Missouri; Camden, New Hanover, and Pender Counties, North Carolina; and Obion County, Tennessee; and revoking the designation as a regulated area of certain portions of Dyer County, Tennessee, where repeated surveys have shown such portions to be free of soybean cyst nematode infestation.

The foregoing administrative instructions shall be effective December 10, 1957, and shall supersede those contained in P. P. C. 624, effective July 26, 1957 (7 CFR 301.79-2a; 22 F. R. 5915), as amended by Amdt. 1, 22 F. R. 8058, effective October 10, 1957.

These instructions should be made effective as soon as possible with respect to the newly regulated areas in order to be of maximum benefit in preventing the interstate spread of the soybean cyst nematode and with respect to the area removed from regulation in order to be of maximum benefit to affected shippers. Accordingly, pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to these instructions are impracticable and contrary to the public interest, and good cause is found for making the effective date thereof less than 30 days after publication in the Federal Register.

(Sec. 9, 37 Stat. 318, sec. 106, Pub. Law 85-36, 71 Stat. 33; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 4th day of December 1957.

[SEAL]

E. D. BURGESS,
Director, Plant Pest Control Division.

[Filed with the Division of the Federal Register, December 9, 1957, 8:50 a. m.; 22 F. R. 9854.]

[Copies of the foregoing administrative instructions were sent to all common carriers doing business in or through the affected States; also, through the Post Office Department, to the postmasters in the regulated area.]

[A notice to the general public concerning the administrative instructions was published in the Arkansas Gazette, Little Rock, Ark., December 11, 1957; the Courier-Journal, Louisville, Ky., December 14, 1957; the Clarion-Ledger, Jackson, Miss., December 12, 1957; the Post-Dispatch, St. Louis, Mo., December 12, 1957; the News & Observer, Raleigh, N. C., December 14, 1957; and the Knoxville News-Sentinel, Knoxville, Tenn., December 13, 1957.]

ANNOUNCEMENTS RELATING TO SWEETPOTATO QUARANTINE (NO. 30)

P. Q.—Q. 30

Effective February 16, 1957

TITLE 7—AGRICULTURE

CHAPTER III—AGRICULTURAL RESEARCH SERVICE, DEPARTMENT OF AGRICULTURE

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—SWEETPOTATOES

NOTICE OF QUARANTINE

On December 29, 1956, there was published in the Federal Register (21 F. R. 10516) a notice of rule making concerning an amendment of Sweetpotato Quarantine No. 30 (7 CFR 301.30). After due consideration of all relevant matters presented, and under the authority of sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), the Administrator of the Agricultural Research Service hereby amends the said quarantine to read as follows:

§ 301.30 *Notice of quarantine.* (a) The Administrator of the Agricultural Research Service has determined that it is necessary to quarantine Hawaii and Puerto Rico to prevent the spread to other parts of the United States of the sweetpotato scarabee (*Euscepes postfasciatus* Fairm.) and the sweetpotato stem borer (*Omphisa anastomosalis* Guen.), dangerous insect infestations new to and not widely prevalent or distributed within or throughout the United States, and that it is necessary also to quarantine the Virgin Islands of the United States to prevent the spread to other parts of the United States of the sweetpotato scarabee.

(b) Under the authority conferred by section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. 161), and after public hearing as required thereunder, the Administrator of the Agricultural Research Service therefore has quarantined Hawaii, Puerto Rico, and the Virgin Islands of the United States to prevent the spread of the sweetpotato scarabee (*Euscepes postfasciatus* Fairm.) and the sweetpotato stem borer (*Omphisa anastomosalis* Guen.).

(c) No variety of sweetpotatoes (*Ipomoea batatas* Poir.) shall be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved by any person from Hawaii, Puerto Rico, or the Virgin Islands of the United States into or through any other State, Territory, or District of the United States: *Provided*, That the prohibitions of this section shall not prohibit the movement of sweetpotatoes in either direction between Puerto Rico and the Virgin Islands of the United States; nor prohibit the movement of sweetpotatoes by the United States Department of Agriculture for scientific or experimental purposes; nor prohibit the movement from Puerto Rico or the Virgin Islands of the United States of sweetpotatoes which the Chief of the Plant Quarantine Branch may authorize under permit or certificate to such northern ports of the United States as he may designate in such permit or certificate, conditioned upon the fumigation of such sweetpotatoes under the supervision of an inspector of said Branch either in Puerto Rico or the Virgin Islands of the United States or at the designated port of arrival, in a manner approved by the said Chief; nor prohibit the movement from Hawaii of sweetpotatoes which the Chief of the Plant Quarantine Branch may authorize under permit or certificate to such ports of the United States as he may designate in such permit or certificate, conditioned upon the fumigation of such sweetpotatoes in Hawaii under the supervision of an inspector of said Branch, in a manner approved by the said Chief: *Provided further*, That whenever the Chief of the Plant Quarantine Branch shall find that facts exist as to pest risk involved in the movement of sweetpotatoes or any classification thereof to which this subpart applies, making it safe to modify, by making less stringent, the requirements contained therein, he shall set forth and publish such finding in administrative instructions specifying the manner in which the subpart should be made less stringent, whereupon such modification shall become effective. As used in this section, the term "State, Territory, or District of the

United States" means "Alaska, Hawaii, Puerto Rico, the Virgin Islands of the United States, or the continental United States."

This amendment shall be effective February 16, 1957, and shall supersede the quarantine effective February 12, 1954.

This amendment is a relieving of restrictions in that it authorizes for the first time the movement from Hawaii of sweetpotatoes which the Chief of the Plant Quarantine Branch may authorize under permit or certificate to such ports of the United States as he may designate in the permit or certificate, provided the sweetpotatoes have been fumigated in Hawaii in an approved manner under the supervision of an inspector of the Plant Quarantine Branch.

Since this amendment relieves restrictions, it is within the exception in section 4 (c) of the Administrative Procedure Act (5 U. S. C. 1003 (c)) and may properly be made effective less than 30 days after its publication in the Federal Register.

(Secs. 8, 9, 37 Stat. 318, as amended; 7 U. S. C. 161, 162)

Done at Washington, D. C., this 13th day of February 1957.

[SEAL]

M. R. CLARKSON,
Acting Administrator, Agricultural Research Services.

[Filed with the Division of the Federal Register, February 15, 1957, 8:57 a. m.; 22 F. R. 973.]

ANNOUNCEMENTS RELATING TO WHITE-FRINGED BEETLE QUARANTINE (NO. 72)

P. P. C. 618, Revised

Effective July 19, 1957

TITLE 7—AGRICULTURE

CHAPTER III—AGRICULTURAL RESEARCH SERVICE, DEPARTMENT OF AGRICULTURE

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—WHITE-FRINGED BEETLE

AMENDMENT OF ADMINISTRATIVE INSTRUCTIONS DESIGNATING REGULATED AREAS

Pursuant to § 301.72-2 of the regulations supplemental to notice of quarantine No. 72 relating to the white-fringed beetle (7 CFR 1956 Supp. 301.72-2), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), the administrative instructions in 7 CFR 1956 Supp., § 301.72-2a are hereby revised to read as follows:

§ 301.72-2a *Administrative instructions designating regulated areas under the white-fringed beetle quarantine and regulations.* Infestations of white-fringed beetles have been determined to exist, in the quarantined States, in the respective counties, parishes, cities, sections, townships, militia districts, and other civil divisions, and parts thereof, listed below, or it has been determined that such infestation is likely to exist therein, or it is deemed necessary to regulate such civil divisions and parts thereof because of their proximity to infestation or their inseparability for quarantine purposes from infested localities. Accordingly, such civil divisions and parts thereof are hereby designated as white-fringed beetle regulated areas within the meaning of the provisions in this subpart:

ALABAMA

Baldwin County. S½ T. 3 S., Rs. 3 and 4 E.; SE¼ T. 3 S., R. 2 E.; Tps. 4 and 5 S., Rs. 3 and 4 E.; E½ Tps. 4 and 5 S., R. 2 E.; Tps. 6 and 7 S., R. 4 E.; E½ T. 7 S., R. 3 E.; E½ and secs. 3, 4, 5, 6, 7, 8, 9, and 10. T. 6 S., R. 3 E.; secs. 1, 2, 3, 10, 11, and 12. T. 6 S., R. 2 E.; secs. 1, 2, 11, and 12. T. 8 S., R. 3 E.; secs. 6 and 7. T. 8 S., R. 4 E.; S½ T. 7 S., R. 5 E.; and T. 7 S., R. 6 E.

Clarke County. N½ T. 8 N., R. 3 E., and S½ T. 9 N., R. 3 E., including all of the town of Grove Hill; and all that area lying within the corporate limits of the town of Jackson.

Coffee County. That part of the county lying south of the South line of T. 6 N.
Conecuh County. T. 5 N., Rs. 9, 10, 11, 12, 13, and 14 E.; T. 6 N., Rs. 10, 11, 12, and 13 E.; and those parts of T. 4 N., R. 7 E., T. 5 N., Rs. 7 and 8 E., T. 6 N., Rs. 8 and 9 E., Tps. 7 and 8 N., R. 9 E., and Tps. 7, 8, and 9 N., R. 10 E., lying in Conecuh County.

Covington County. All of Covington County.

Crenshaw County. Secs. 27, 28, 29, 30, 31, 32, 33, and 34, T. 9 N., R. 18 E., and secs. 3, 4, 5, and 6, T. 8 N., R. 18 E., including all of the town of Luverne.

Date County. Secs. 25 and 36, T. 4 N., R. 25 E.; secs. 28, 29, and 30, T. 4 N., R. 26 E.

Dallas County. Tps. 13, 14, 15, 16, and 17 N., Rs. 10 and 11 E.; $N\frac{1}{2}$ of T. 15 N., Rs. 6, 7, 8, and 9 E.; T. 16 N., Rs. 7, 8, and 9 E.

Escambia County. Tps. 1, 2, and 3 N., Rs. 6, 7, and 8 E.; secs. 33, 34, 35, and 36, T. 1 N., R. 10 E., and all area south thereof to the Alabama State line.

Geneva County. All of Geneva County.

Houston County. All of Houston County west of west line of R. 28 E.

Jefferson County. Secs. 17, 18, 19, and 20, T. 18 S., R. 3 W., and that area included within the corporate limits of the city of Birmingham.

Lowndes County. All of T. 14 N., R. 12 E.

Marengo County. Secs. 28, 29, 30, 31, 32, and 33, T. 16 N., R. 3 E.; and secs. 4, 5, 6, 7, 8, and 9, T. 15 N., R. 3 E.

Mobile County. All of Mobile County.

Monroe County. All of Monroe County.

Montgomery County. Tps. 16 and 17 N., Rs. 17, 18, and 19 E.; and that part of T. 18 N., R. 18 E., lying in Montgomery County.

Washington County. All of Washington County.

Wilcox County. $N\frac{1}{2}$ T. 10 N., Rs. 6, 7, 8, 9, 10, and 11 E.; T. 11 N., Rs. 8, 9, 10, and 11 E.; T. 12 N., Rs. 9 and 10 E.; that part of T. 12 N., R. 8 E., lying south of the Alabama River; and those portions of T. 13 N., Rs. 8 and 9 E., lying east of the Alabama River and south of the Pine Barren Creek.

FLORIDA

Escambia County. All of Escambia County.

Holmes County. $S\frac{3}{4}$ T. 6 N., R. 15 W., except secs. 18, 19, 30, and 31; $NE\frac{1}{4}$ and secs. 22, 23, and 24, T. 5 N., R. 15 W., including all of the town of Smyrna; secs. 5, 6, 7, 8, 17, 18, 19, and 20, T. 5 N., R. 14 W.; secs. 29, 30, 31, and 32, T. 6 N., R. 14 W.; and $E\frac{1}{2}$ of Tps. 4, 5, 6, and 7 N., R. 18 W.

Jackson County. All of Jackson County east of Cowarts Creek and the Chipola River.

Okaloosa County. That part of the county lying north of the south line of T. 2 N.

Santa Rosa County. All of Santa Rosa County.

Walton County. That part of the county lying north of the south line of T. 3 N.

GEORGIA

Baldwin County. That area included within the corporate limits of the city of Milledgeville, and an area one mile wide beginning at the north corporate limits of Milledgeville extending northerly along U. S. Highway No. 441 with said highway as a center line for a distance of one mile.

Ben Hill County. That area included within a circle having a 2-mile radius and center at the Ben Hill County Courthouse in Fitzgerald, including all of the city of Fitzgerald.

Berrien County. That area included within the corporate limits of the city of Nashville.

Bibb County. That area included within the Georgia Militia Districts of East Macon, Godfrey, Vineville, Hazzard, and Howard; and that portion of the Georgia Militia District of Rutland lying east of a line beginning at the point where U. S. Highway No. 41 crosses the north boundary of said militia district (Tobesofkee Creek) and running southward along said highway to its junction with Hartley Bridge Road and thence southwestward along said road to the west boundary line of said militia district.

Bleckley County. That area included within the corporate limits of the city of Cochran; and that portion of the Georgia Militia District of Manning included within a boundary beginning at the intersection of Georgia State Highway 112 and the Bleckley-Twiggs County line, thence northeast along said county line to the intersection of the Bleckley, Twiggs, Wilkinson, and Laurens County lines, thence southeast for a distance of 1 mile along the Bleckley-Laurens County line, and thence northwest to the point of beginning.

Bulloch County. That area included within a circle having a 2-mile radius and center at the Bulloch County Courthouse in Statesboro, including all of the city of Statesboro; and that area included within a circle having a 1-mile radius and center at the Georgia and Florida Railroad depot in Portal, including all of the town of Portal.

Burke County. That area, comprising parts of Georgia Militia Districts numbers 60 and 62, bounded on the east by Fitz Branch, on the south by a line beginning at the intersection of Georgia State Highway 56 and the Hephzibah Road and extending due east to its intersection with Fitz Branch, on the west by Hephzibah Road, and on the north by Brier Creek, including all of the city of Waynesboro.

Candler County. That area included within a circle having a $1\frac{1}{4}$ -mile radius and center at the intersection in Metter of Georgia State Highways 23 and 46, including all of the city of Metter.

Coffee County. That area included within the corporate limits of the city of Douglas; an area 2 miles wide beginning at the north corporate limits of the city of Douglas and extending northward along U. S. Highway No. 441 with said highway as a centerline to and bounded on the north by Seventeen Mile Creek; that area included within a circle having a 2-mile radius and center at the Atlanta, Birmingham and Coast Railroad depot in Ambrose, including all of the town of Ambrose; and an area 3 miles wide beginning at a line projected due east and due west from a point on the Georgia and Florida Railroad 1 mile northwest of the railroad depot in Broxton, and extending northwesterly with said railroad as a centerline to and bounded on the north by Georgia State Highway 107.

Crawford County. That area included within a circle having a $1\frac{1}{2}$ -mile radius and center at the intersection in Roberta of U. S. Highway No. 80 and Georgia State Highway 7, including all of the city of Roberta and the town of Knoxville.

Crisp County. That area included within the corporate limits of the city of Cordele.

Dodge County. That area included within land lots numbers 6, 7, 8, 9, 10, 11, 12, 13, 18, 19, 20, 21, 22, 23, 24, 25, 36, 37, 38, 39, 40, 41, and 42 in the Fifteenth Land District and land lots numbers 278, 279, 280, 281, 282, 289, 290, 291, 292, 293, 294, 295, 306, 307, 308, 309, 310, 311, and 312 in the Sixteenth Land District, including all of the city of Eastman.

Emanuel County. That area included within a circle having a $1\frac{1}{2}$ -mile radius and center at the Union Grove Methodist Church in Georgia Militia District No. 49.

Fulton County. That area included within the corporate limits of the city of East Point.

Greene County. That area included within the corporate limits of the city of Greensboro.

Houston County. That area included within the lower Fifth Georgia Militia District, including all of the city of Warner Robins and all of Robins Air Force Base; an area 2 miles wide beginning north of Perry and bounded on the north by Mossy Creek and extending southward along U. S. Highway No. 41 with said highway as a centerline to and bounded on the south by Georgia State Highway 26, including all of the city of Perry; and an area 2 miles wide beginning north of Clinchfield and bounded on the north by Big Indian Creek and extending southwesterly along the Southern Railway with said railway as a centerline to and bounded on the south by Burnham Branch southwest of Grovania, including all of the communities of Clinchfield and Grovania.

Irwin County. That area included within a circle having a $\frac{1}{2}$ -mile radius and center at the intersection in Irwinville of Georgia State Highway 32 and the Jefferson Davis Memorial State Park Road; that area included within a circle having a 2-mile radius and center at the Irwin County Courthouse at Ocilla, including all of the city of Ocilla; an area 1 mile wide bounded on the south and east by the Irwin-Coffee County line and extending northwesterly along the Atlanta, Birmingham and Coast Railroad with said railroad as a centerline for a distance of $1\frac{1}{4}$ miles beyond the Atlanta, Birmingham and Coast Railroad depot in Wray; and an area 2 miles wide beginning at the Atlanta, Birmingham and Coast Railroad in Georgia Militia District No. 1661 and extending southeasterly along Georgia State Highway 32 with said highway as a centerline to the east boundary of said militia district.

Jasper County. That area included within Georgia Militia Districts numbers 262, 289, and 295; and that portion of Georgia Militia Districts numbers 288 and 291 lying south of Whiteoak and Murder Creeks.

Jefferson County. That area included within the corporate limits of the city of Louisville; and that area included within a circle having a 1-mile radius and center at the Central of Georgia Railway depot in Bartow, including all of the town of Bartow.

Johnson County. That area included within the corporate limits of the city of Wrightsville; and an area 1 mile wide beginning at the west corporate limits of Wrightsville and extending southwesterly along Georgia State Highway 15 with said highway as a centerline to the Ochoopee River.

Laurens County. Those portions of the Georgia Militia Districts of Dublin, Dudley, and Harvard included within an area 2 miles wide beginning at the west corporate limits of Dublin and extending northwesterly along the Macon, Dublin and Savannah Railroad with said railroad as a centerline to the Laurens-Wilkinson and Laurens-Bleckley County lines; including all of the towns of Dudley and Montrose and that portion of Allentown lying in Laurens County; that area included within the corporate limits of the city of Dublin; an area 2 miles wide beginning at the north corporate limits of Dublin and extending northward along Georgia State Highway 29 with said highway as a centerline for a distance of 3 miles; and that portion of the Georgia Militia District of Smith lying north of the Macon, Dublin and Savannah Railroad and east of Shaddock Creek.

Macon County. That area lying east of Flint River including the cities of Marshallville and Montezuma; and that area included within the corporate limits of Oglethorpe.

Monroe County. That area included within the corporate limits of the city of Forsyth.

Montgomery County. That area bounded on the east by the Montgomery-Toombs County line, on the south by Rocky Creek, on the west by Georgia State Highway 29, and on the north by Swift Creek; and those areas included within the corporate limits of the city of Mount Vernon and the town of Ailey.

Newton County. That area included within a circle having a 1-mile radius and center at the Porterdale High School, including all of the town of Porterdale.

Peach County. That area included within the Georgia Militia District of Fort Valley, including all of the city of Fort Valley; and that area included within the corporate limits of the town of Byron.

Putnam County. That area included within the Georgia Militia District of Ashbank.

Richmond County. That portion of the Georgia Militia District of Forest Hills bounded on the south by Raes Creek and Lake Olmstead and on the west by the Berkman Road and a line extended due north from the point of intersection of the Berkman and Washington Roads.

Scriven County. That area included within a circle having a 2-mile radius and center at the Scriven County Courthouse in Sylvania, including all of the city of Sylvania.

Sumter County. That area included within the corporate limits of the city of Americus; and an area 1 mile wide beginning at the east corporate limits of Americus and extending along U. S. Highway No. 280 with said highway as a centerline to Mill Creek.

Taylor County. That area included in the Georgia Militia District of Reynolds, including all of the town of Reynolds; and that area included within a circle having a $2\frac{1}{4}$ -mile radius and center at Taylor County Courthouse in Butler, including all of the town of Butler.

Toombs County. That area bounded on the east by the east boundaries of the Georgia Militia Districts of Vidalia and Center, on the south by Rocky Creek, on the west by the Toombs-Montgomery County line, and on the north by Swift Creek, including all of the city of Vidalia.

Treutlen County. That area included within the corporate limits of the city of Soperton; and an area 1 mile wide beginning at the south corporate limits of Soperton and extending southeasterly along Georgia State Highway 29 with said highway as a centerline to the Treutlen-Montgomery County line.

Turner County. That area bounded on the east by a line parallel to and $\frac{1}{2}$ mile east of the Sycamore town limits, on the south by a line parallel to and $\frac{1}{2}$ mile south of the Sycamore town limits, on the west by a line parallel to and $\frac{1}{2}$ mile west of the Sycamore town limits, on the north by a line parallel to and $\frac{1}{2}$ mile north of the Sycamore town limits, and the projections of such lines to their intersections, including all of the town of Sycamore; and that part of the Georgia Militia District of Clements included within a circle having a $\frac{3}{4}$ -mile radius and center at the Bethel School.

Twiggs County. That portion of the Georgia Militia District of Higgsville bounded on the east by the Twiggs-Wilkinson County line, on the south by the Twiggs-Bleckley County line, on the north by a line parallel to and $3\frac{1}{4}$ miles north of the Twiggs-Bleckley County line, on the west by a line parallel to and 1 mile west of the Twiggs-Wilkinson County line,

and the projections of such lines to their intersections, including all of those portions of the towns of Allentown and Danville lying in Twiggs County.

Washington County. That area included within a circle having a 5-mile radius and center at the Washington County Courthouse in Sandersville, including all of the city of Sandersville and the city of Tennesse.

Wheeler County. That area included within land lots numbers 40, 41, 42, 43, 48, 49, 50, 51, 70, 71, 72, 73, 78, 79, 80, 81, 100, 101, 102, and 103 in the Eleventh Land District, including all of the town of Alamo.

Wilkinson County. That portion of the Georgia Militia District of Turkey Creek bounded on the west by the Wilkinson-Twiggs County line, on the south by the Wilkinson-Laurens County line, on the east by a line parallel to and $1\frac{1}{4}$ miles east of the Wilkinson-Twiggs County line, on the north by a line parallel to and $3\frac{1}{4}$ miles north of the Wilkinson-Laurens County line, and the projections of such lines to their intersections, including all of those portions of the towns of Allentown and Danville lying in Wilkinson County.

LOUISIANA

East Baton Rouge Parish. T. 7 S., Rs. 1 and 2 E.

Jefferson Parish. That part lying north of the township line between Tps. 14 and 15 S.

Orleans Parish. All of Orleans Parish, including the city of New Orleans.

Plaquemines Parish. That part lying north of the township line between Tps. 15 and 16 S.

Saint Bernard Parish. All of Saint Bernard Parish.

Saint Tammany Parish. Secs. 38, 39, and 40, T. 7 S., R. 11 E.; secs. 40 and 41, T. 8 S., R. 11 E.; and that area lying south of the north line of T. 10 N.; secs. 33 and 43, T. 4 S., R. 10 E.; secs. 3 and 4, T. 5 S., R. 10 E.; secs. 26, 27, 28, 33, 34, 35, 38, and 39, T. 7 S., R. 14 E.

Tangipahoa Parish. Secs. 26, 27, 28, 33, 34, and 35, T. 5 S., R. 7 E.; secs. 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 35, and 36, T. 6 S., R. 7 E.; secs. 19, 22, 23, 24, 26, 27, 30, 31, 39, 40, and 41, T. 6 S., R. 8 E., including all of the town of Hammond; secs. 32, 33, and 50, T. 3 S., R. 7 E.; and secs. 4, 5, 8, 9, 10, 50, and 54, T. 4 S., R. 7 E., including all of the town of Amite.

Washington Parish. All of Tps. 1, 2, 3, and 4 S., R. 14 E.; $E\frac{1}{2}$ Tps. 3 and 4 S., R. 13 E.; $E\frac{1}{2}$ Tps. 1 and 2 S., R. 13 E.; secs. 23, 24, 25, 34, 36, 44, 45, 46, 47, 48, 51, 52, 53, and 54, T. 2 S., R. 10 E.; secs. 3, 8, 9, 10, 14, 15, 16, 17, 20, 21, 39, 40, 41, 42, 43, 46, 48, 49, 50, and 51, T. 3 S., R. 10 E.; secs. 19, 20, 29, 30, 31, 32, 38, and 39, T. 2 S., R. 11 E.; secs. 5, 6, 7, 8, 17, 18, 19, 20, 29, 37, 38, 39, 40, 41, 43, 49, and 50, T. 3 S., R. 11 E. and that portion of the Parish lying between the M. & O. Railroad and Bogue Chitta River, south of the northern boundary of sec. 44, T. 3 S., R. 11 E., and along the Franklinton-Enon-Sun Highway to the east boundary of T. 4 S., R. 12 E., and the Parish line.

MISSISSIPPI

Attala County. Secs. 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, T. 14 N., R. 7 E.; secs. 19, 30, and 31, T. 14 N., R. 8 E.; sec. 6, T. 13 N., R. 8 E.; secs. 1 and 2, T. 13 N., R. 7 E.

Clarke County. Secs. 4, 5, 6, 7, 8, and 9, T. 2 N., R. 14 E.; secs. 4, 5, 8, and 9, T. 4 N., R. 15 E.; secs. 6, 7, and 18, T. 2 N., R. 16 E.; sec. 31, T. 3 N., R. 16 E.; secs. 34, 35, and 36, T. 3 N., R. 15 E.; secs. 1, 2, 3, 10, 11, 12, 13, 14, and 15, T. 2 N., R. 15 E.; $W\frac{1}{2}$ T. 1 N., R. 14 E.; and $W\frac{1}{2}$ T. 10 N., R. 9 W.

Copiah County. Secs. 31, 32, 34, 35, and 36, T. 1 N., R. 2 W.; $N\frac{1}{2}$ T. 10 N., R. 8 E.; and $N\frac{1}{2}$ T. 1 N., R. 1 E., lying west of Pearl River.

Covington County. All of Covington County.

Forrest County. All of Forrest County.

George County. Secs. 27, 28, 29, 32, 33, 34, 35, and 36, T. 1 S., R. 6 W., including all of the town of Lucedale; $N\frac{1}{2}$ T. 2 S., R. 6 W., except secs. 6, 7, and 18; secs. 5, 6, 7, 8, 17, and 18, T. 2 S., R. 5 W.; and that part of secs. 31 and 32, T. 1 S., R. 5 W., lying south of Mississippi State Highway No. 15; and $W\frac{1}{2}$ of T. 3 S., R. 5 W.

Greene County. Secs. 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, and 33, T. 2 N., R. 8 W.; and secs. 1, 2, 11, and 12, T. 2 N., R. 6 W., including all of the City of Leaksville.

Hancock County. All of Hancock County.

Harrison County. All of Harrison County.

Hinds County. Secs. 2, 3, 4, 9, 10, and 11, T. 7 N., R. 1 W.; $E\frac{1}{2}$ T. 6 N., R. 3 W.; $W\frac{1}{2}$ T. 6 N., R. 2 W.; and that area within the corporate limits of Jackson.

Jackson County. All of Jackson County.

Jasper County. T. 3 N., R. 10 E.; $W\frac{1}{2}$ T. 2 N., R. 10 E.; secs. 3, 4, 5, 6, 32, 33, and 34, T. 1 N., R. 10 E.; secs. 1, 2, and 3, T. 10 N., R. 13 W.; T. 1 N., R. 13 E.; that portion of T. 10 N., R. 9 W., and $E\frac{1}{2}$ T. 10 N., R. 10 W., lying in Jasper County.

Jefferson Davis County. All of Jefferson Davis County.

Jones County. All of Jones County.

Kemper County. $SW\frac{1}{4}$ T. 10 N., R. 18 E.; secs. 4, 5, and 6, T. 9 N., R. 18 E.

Lamar County. All of Lamar County.

Lauderdale County. Tps. 5 and 6 N., Rs. 15 and 16 E.; $S\frac{1}{2}$ T. 7 N., Rs. 15 and 16 E.; secs. 31 and 32, T. 8 N., R. 17 E.; and secs. 5 and 6, T. 7 N., R. 17 E.

Lawrence County. That part lying east of Pearl River and that portion of T. 8 N., R. 21 W., lying west of Pearl River.

Leake County. Secs. 31 and 32, T. 11 N., R. 8 E.; secs. 34, 35, and 36, T. 11 N., R. 7 E.; $W\frac{1}{2}$ T. 10 N., R. 8 E.; $E\frac{1}{2}$ T. 10 N., R. 7 E.; and T. 9 N., R. 8 E.

Lincoln County. T. 7 N., R. 8 E.; and $E\frac{1}{2}$ T. 7 N., R. 7 E.

Marion County. All of Marion County.

Neshoba County. Secs. 15, 16, 17, 20, 21, 22, 27, 28, and 29, T. 9 N., R. 13 E.

Newton County. Secs. 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, and 36, T. 5 N., R. 11 E.

Pearl River County. All of Pearl River County.

Perry County. All of Perry County.

Pike County. Secs. 31, 32, and 33, T. 4 N., R. 8 E.; secs. 34, 35, and 36, T. 4 N., R. 7 E.; secs. 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, and 24, T. 3 N., R. 7 E.; secs. 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, and 21, T. 3 N., R. 8 E.

Rankin County. T. 3 N., Rs. 2 and 3 E.; T. 4 N., Rs. 1 and 2 E.; and Tps. 5 and 6 N., Rs. 1 and 2 E.

Scott County. W $\frac{3}{4}$ T. 8 N., R. 8 E.; and secs. 3, 4, 5, and 6, T. 7 N., R. 8 E.

Simpson County. All of Simpson County.

Smith County. W $\frac{1}{2}$ of T. 10 N., R. 14 W., and secs. 3, 4, 9, 10, 15, and 16, T. 1 N., R. 8 E.

Stone County. All of Stone County.

Walthall County. All of Tps. 1 and 2 N., Rs. 9, 10, 11, 12, and 13 E.

Warren County. All that area lying within the corporate limits of the city of Vicksburg, and that area included within a boundary beginning at a point where Halls Ferry Road intersects the corporate limits of the city of Vicksburg, thence southeast along said road to the point of its intersection with the range line between Rs. 3 and 4 E., thence south along the range line to the SE. corner sec. 42, T. 15 N., R. 3 E., thence west along the section line to the Mississippi River, thence north along the east bank of the Mississippi River to said corporate limits, and thence along the south corporate limits to the point of beginning.

Wayne County. Secs. 19, 20, 29, 30, 31, and 32, T. 7 N., R. 5 W.; secs. 24, 25, and 36, T. 7 N., R. 6 W.; secs. 6, 7, and 18, T. 8 N., R. 6 W.; secs. 1, 2, 11, 12, 13, and 14, T. 8 N., R. 7 W.

NORTH CAROLINA

Anson County. An area 2 miles wide beginning at the Anson-Union County line and extending easterly along the Seaboard Air Line Railroad with said railroad as a center line to a due north-south line projected through the point of intersection of said railroad with the east corporate limits of Polkton, including all of the town of Peachland and Polkton.

Brunswick County. All of Eagles Island.

Cumberland County. That area included within a circle having a $4\frac{1}{2}$ mile radius and center at the Atlantic Coast Line Railroad depot in Hope Mills, including all of the town of Hope Mills and all of the communities of Cumberland and Roslin.

Duplin County. That area included within the corporate limits of the town of Warsaw; and an area 2 miles wide beginning at a line projected northeast and southwest along and beyond the north corporate limits of Warsaw and extending northwesterly along U. S. Highway No. 117 with said highway as a center line for a distance of 3 miles.

Edgecombe County. That portion of the city of Rocky Mount lying in Edgecombe County.

Harnett County. An area 4 miles wide bounded on the north by the Harnett-Wake County line and extending along U. S. Highway No. 15-A with said highway as a center line for a distance of 5 miles.

Jones County. An area 2 miles wide beginning at a line projected due east and due west at the Atlantic Coast Line siding at Ravenswood, approximately $1\frac{1}{2}$ miles south of the Atlantic Coast Line Railroad depot in Pollocksville, and extending southerly with said railroad as a center line for a distance of 3 miles.

Nash County. That portion of the city of Rocky Mount lying in Nash County.

New Hanover County. That area included within the corporate limits of the city of Wilmington; all of Cape Fear Township; all that part of Harnett Township lying west of the Wrightsboro-Winter Park Road, including all of the town of Winter Park; and all that part of Masonboro Township lying north of the Sunset Park-Winter Park Road.

Onslow County. That area $3\frac{1}{2}$ miles wide extending along U. S. Highway 17 with said highway as a center line from Southwest Creek on the south to Starky Creek on the north, including all of the city of Jacksonville; and all of that portion of Onslow County included within the boundaries of the Camp Lejeune Marine Base.

Pender County. All of that portion of Pender County lying west of a line parallel to and 8 miles west of the Pender-Onslow County line.

Union County. An area 2 miles wide beginning at a line projected due north and due south from a point where the west corporate limits of Marshville intersect the Seaboard Air Line Railroad and extending easterly with said railroad as a center line to the Union-Anson County line, including all of the town of Marshville.

Wake County. An area 4 miles wide bounded on the east by a line projected due north and due south for 2 miles on each side of the point of intersection of U. S. Highway No. 15-A and the Norfolk Southern Railway, approximately $1\frac{1}{2}$ miles east of the Norfolk Southern Railway depot in Fuquay Springs, and extending westerly and southwesterly along U. S. Highway No. 15-A with said highway as a center line to the Wake-Harnett County line, including all of the town of Fuquay Springs.

Wayne County. All of Goldsboro Township, including all of the city of Goldsboro; an area 2 miles wide beginning at the west boundary of Goldsboro Township and extending northwesterly along U. S. Highway No. 70 with said highway as a centerline to the Wayne-Johnston County line; an area 2 miles wide beginning at the north boundary of Goldsboro Township and extending northerly along the Atlantic Coast Line Railroad with said railroad as a center line to the Wayne-Wilson County line, including all of the towns of Pikeville and Fremont; and an area bounded on the north by the Atlantic and East Carolina Railway, on the west by Stony Creek, on the south by the Neuse River, and on the east by a line beginning at the junction of U. S. Highway No. 70 and North Carolina State Highway 111 and extended due north and due south to its intersections with the north and south boundaries, including all of Seymour Johnson Field.

SOUTH CAROLINA

Beaufort County. That area bounded on the east by Wimbee Creek and Bull River, on the south by Whale Branch and the Coosaw River, on the west by Haulover Creek, and on the north by a line parallel to and one-half mile north of the Seaboard Air Line Railroad between Wimbee and Haulover Creeks.

TENNESSEE

Hamilton County. That area included within a circle having a $\frac{1}{2}$ -mile radius and center at the office of the Shell Oil Corporation bulk plant located on Jersey Pike Road.

Hurdeman County. That area included within a circle having a 3-mile radius and center at the courthouse in Bolivar.

Shelby County. All of Shelby County.

Tipton County. That area within a circle having a ½-mile radius and center at the E. L. Reed homeplace, excluding any area not in Tipton County and including that area within the corporate limits of the town of Mason.

These revised administrative instructions add to the regulated areas the County of Washington, Alabama, and certain localities in the counties of Kemper, Neshoba, Newton, and Smith, Mississippi. They also extend the areas now under regulation in the parishes of St. Tammany, Tangipahoa, and Washington, Louisiana, and the counties of Copiah, George, Greene, Lauderdale, Lawrence, Marion, Perry, Pike, Simpson, and Walthall, Mississippi. The county of Fairfield, South Carolina is removed from the regulated areas.

These instructions should become effective as soon as possible with respect to the newly regulated areas in order to control the movement therefrom of articles that might spread the white-fringed beetle and with respect to the area removed from regulation in order to be of maximum benefit to affected shippers. Accordingly, pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice and other public procedure with respect to these instructions are impracticable and contrary to the public interest, and good cause is found for the issuance thereof effective less than 30 days after publication in the Federal Register.

(Sec. 9, 37 Stat. 318; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

The foregoing administrative instructions shall be effective July 19, 1957, and shall supersede administrative instructions designating regulated areas effective November 8, 1956 (7 CFR, 1956 Supp., 301.72-2a).

Done at Washington, D. C., this 15th day of July 1957.

[SEAL]

E. D. BURGESS,

Director, Plant Pest Control Division.

[Filed with the Division of the Federal Register, July 18, 1957, 8:50 a. m.; 22 F. R. 5735.]

[Copies of the foregoing revision were sent to all common carriers doing business in or through the affected States; also, through the Post Office Department, to the postmasters in the regulated area.]

[A notice to the general public concerning the above revision was published in the following newspapers: The Birmingham News, Birmingham, Ala., July 22, 1957; the New Orleans States, New Orleans, La., July 20, 1957; the Clarion-Ledger, Jackson, Miss., July 22, 1957; and the State, Columbia, S. C., July 24, 1957.]

ANNOUNCEMENTS RELATING TO WITCHWEED QUARANTINE (NO. 80)

DEPARTMENT OF AGRICULTURE

AGRICULTURAL RESEARCH SERVICE

[7 CFR Part 301]

NORTH CAROLINA, SOUTH CAROLINA

NOTICE OF PUBLIC HEARING ON QUARANTINING ON ACCOUNT OF DANGEROUS DISEASE OF CORN

Notice is hereby given in accordance with section 8 of the Plant Quarantine Act of August 20, 1912, as amended (37 Stat. 318, as amended; 7 U. S. C. 161), that the Administrator of the Agricultural Research Service has information that a dangerous disease notoriously injurious to corn, sorghum, and other crops of the grass family, as yet unnamed, but, variously known as witchweed wilt of corn, witchweed stunt of corn, Striga disease of corn, or Asiatic disease of corn, caused by an introduced species of the genus *Striga*, commonly known as witchweed, not heretofore widely prevalent or distributed within and throughout the United States, has recently been discovered in certain parts of North Carolina and South Carolina.

It is therefore proposed under the authority of said section 8 of the Plant Quarantine Act to quarantine the States of North Carolina and South Carolina, and to restrict or prohibit the movement from said States, or from any locations therein designated as infected of (1) witchweed seeds and plants (*Striga* spp.); (2) soil as such or attached to articles or things; (3) hay; (4) nursery stock

and other plants with roots attached; (5) bulbs, corms, tubers, and rhizomes; (6) root crops, the edible parts of which are grown underground; (7) used farm machinery and equipment; (8) construction and maintenance equipment; (9) trucks, wagons, cars, boats, and other means of conveyance; (10) used crates, boxes, bags, and other farm products containers; and (11) other articles of any character whatsoever that present a hazard of spread of witchweed.

A public hearing will be held before a representative of the Agricultural Research Service in room 218-A, Administration Building, U. S. Department of Agriculture, Twelfth Street and Independence Avenue SW., Washington, D. C., at 10 a. m., January 30, 1957, at which hearing any interested person may appear and be heard, either in person or by attorney, on the aforesaid proposals. Any interested person who desires to submit written data, views, or arguments on the proposals may do so by filing the same with the Chief of the Plant Pest Control Branch, Agricultural Research Service, U. S. Department of Agriculture, Washington 25, D. C., on or before January 30, 1957, or with the presiding officer at the hearing.

Done at Washington, D. C., this 11th day of January 1957.

[SEAL]

M. R. CLARKSON,
Acting Administrator, Agricultural Research Service.

[Filed with the Division of the Federal Register, January 15, 1957, 8:49 a. m.; 22 F. R. 319.]

HEARING ON PROPOSED WITCHWEED QUARANTINE TO RESUME MARCH 5

(Press Notice)

FEBRUARY 13, 1957.

The U. S. Department of Agriculture today announced resumption of a public hearing on a proposal to quarantine the States of North and South Carolina because of occurrence there of a newly discovered *Striga* disease of corn and related crops, caused by a parasitic weed commonly known as "witchweed." The hearing will resume at 10:30 a. m., March 5, in room 3106, South Building, U. S. Department of Agriculture, Washington, D. C.

The initial hearing on this proposal was held in Washington on January 30. After the introduction of testimony then available, the hearing was recessed until further notice. Conclusion of the hearing on March 5 will permit interested parties to present additional statements.

Witchweed (USDA Press Releases Nos. 3320-56, 134-57, 352-57) is known to occur in Bladen, Columbus, Cumberland, and Robeson Counties, N. C.; and Dillon, Horry, Marion, and Marlboro Counties, S. C.

UNITED STATES DEPARTMENT OF AGRICULTURE

AGRICULTURAL RESEARCH SERVICE

[7 CFR Part 301]

NORTH CAROLINA, SOUTH CAROLINA

NOTICE OF RESUMPTION OF PUBLIC HEARING ON QUARANTINING ON ACCOUNT OF DANGEROUS DISEASE OF CORN AND OTHER CROPS

On January 16, 1957, there was published in the Federal Register (22 F. R. 319) a notice of a public hearing to be held at Washington, D. C., on January 30, 1957, to consider a proposal, under section 8 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161), to quarantine the States of North Carolina and South Carolina because of the occurrence therein of a dangerous disease of corn and other crops caused by an introduced species of the genus *Striga*, commonly known as witchweed, and to restrict or prohibit the movement from said States, or from any locations therein designated as infected of (1) witchweed seeds and plants (*Striga* spp.); (2) soil as such or attached to articles or things; (3) hay; (4) nursery stock and other plants with roots attached; (5) bulbs, corms, tubers, and rhizomes; (6) root crops, the edible parts of which are grown underground; (7) used farm machinery and equipment; (8) construction and maintenance equipment; (9) trucks, wagons, cars, boats, and other means of conveyance; (10) used crates, boxes, bags, and other farm

products containers; and (11) other articles of any character whatsoever that present a hazard of spread of witchweed.

A public hearing was begun on January 30, 1957, as aforesaid, and after the introduction of testimony recessed until further notice, in order to permit interested parties to present additional statements.

Notice is hereby given that said public hearing will be resumed before a representative of the Agricultural Research Service in room 3106, South Agricultural Building, U. S. Department of Agriculture, 12th Street and Independence Avenue SW., Washington, D. C., at 10:30 a. m., March 5, 1957, at which time any interested person may appear and be heard, either in person or by attorney, on the aforesaid proposal. Any interested person who desires to submit any additional written data, views, or arguments on the proposal may do so by filing the same with the Chief of the Plant Pest Control Branch, Agricultural Research Service, U. S. Department of Agriculture, Washington 25, D. C., on or before March 5, 1957, or with the presiding officer at the hearing.

Done at Washington, D. C., this 12th day of February 1957.

[SEAL]

M. R. CLARKSON,

Acting Administrator, Agricultural Research Service.

[Filed with the Division of the Federal Register, February 14, 1957, 8:55 a. m.; 22 F. R. 954.]

NORTH AND SOUTH CAROLINA AREAS TO BE REGULATED UNDER WITCHWEED QUARANTINE

(Press Notice)

SEPTEMBER 4, 1957.

The U. S. Department of Agriculture today announced that 1 county, 14 localities, and 19 individual premises in North Carolina and South Carolina will be regulated, effective September 6, under a quarantine issued by USDA because of the presence of witchweed.

Areas to be regulated in North Carolina include all of Robeson County; 1 locality in Bladen County; 1 locality, 4 farms, and 1 commercial property in Columbus County; 1 locality and 1 farm in Cumberland County; 1 locality in Harnett County; 1 farm in Hoke County; 6 farms and 1 locality in Sampson County; and 1 farm and 1 locality in Scotland County. (Localities are areas with boundaries designated by USDA for quarantine purposes.)

South Carolina regulated areas comprise 1 farm in Darlington County; 2 localities in Dillon County; 2 localities and 2 farms each in Horry and Marion Counties; and 2 localities in Marlboro County.

These areas include localities and farms proposed for regulation by USDA on July 12, plus other properties and localities that have been found infested with witchweed since that date.

Articles subject to regulation when moved interstate from the regulated areas are: soil, nursery stock and other plants with roots attached, root crops, hay, straw, fodder and plant litter of any kind, seed cotton, tobacco, peanuts in shells, ear corn, soybeans, small grains, used farm tools and harvesting machinery, used construction and maintenance equipment, used farm products containers, and machinery, vehicles, and other articles that might spread witchweed.

Provision is made in the regulations for the movement under certification or permit of regulated articles that have not been exposed to infestation by witchweed seed or that have been treated or that otherwise meet specified requirements.

Exemptions from the certification or permit requirements are provided for many articles when they are produced and handled under conditions which guard against spread of witchweed. Among the exemptions are: root crops moving to a designated processing plant, or when washed free of soil and protected from reinfestation; seed cotton moving to a designated gin; certain tobacco destined for a designated warehouse or storage facility; soybeans and small grains for nonplanting purposes when they have not been in contact with the soil during harvesting and are destined for an approved mill or storage facility; and certain used farm equipment that has been cleaned by washing, air blasting, or steam cleaning.

Details of the quarantine regulations were published in proposed form in the Federal Register, July 12 (USDA Press Release 2148-57). Background material on the occurrence and habits of witchweed appears in the Department's release of August 9 (USDA Press Release 2471-57).

P. P. C.—Q. 80

Effective September 6, 1957

TITLE 7—AGRICULTURE

CHAPTER III—AGRICULTURAL RESEARCH SERVICE, DEPARTMENT OF AGRICULTURE

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—WITCHWEED

QUARANTINE AND REGULATIONS

On July 12, 1957, there was published in the Federal Register (22 F. R. 4914), under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), a notice of rule making concerning proposed notice of quarantine No. 80 relating to the witchweed and the regulations supplemental thereto. After due consideration of all relevant matter presented, and pursuant to sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162) and sections 103 and 106 of the Federal Plant Pest Act of May 23, 1957 (Public Law 85-36; 71 Stat. 32, 33), the quarantine and regulations to appear in 7 CFR 301.80, 301.80-1 et seq., are hereby issued as follows:

QUARANTINE

Sec.	Notice of quarantine.
301.80	

REGULATIONS

301.80-1	Definitions.
301.80-2	Designation of regulated areas.
301.80-3	Witchweed; conditions of movement.
301.80-4	Other regulated articles; conditions of movement.
301.80-5	Use of certificates or limited permits with shipments.
301.80-6	Protecting certified articles.
301.80-7	Conditions governing the issuance of certificates and limited permits.
301.80-8	Assembly of articles for inspection.
301.80-9	Cancellation of certificates or limited permits.
301.80-10	Inspection and disposal.
301.80-11	Nonliability of Department.

AUTHORITY: §§ 301.80 to 301.80-11 issued under sec. 9, 37 Stat. 318, secs. 103, 106, Pub. Law 85-36, 85th Cong.; 7 U. S. C. 162. Interpret or apply sec. 8, 37 Stat. 318, as amended, 7 U. S. C. 161.

QUARANTINE

§ 301.80 *Notice of quarantine.* Under the authority conferred by sections 103 and 106 of the Federal Plant Pest Act (Public Law 85-36) and sections 8 and 9 of the Plant Quarantine Act, as amended (7 U. S. C. 161, 162), and after public hearing, it has been determined that it is necessary to quarantine the States of North Carolina and South Carolina to prevent the spread of witchweed (*Striga* sp.), a parasitic plant which causes a dangerous disease of corn, sorghum, and other crops of the grass family, and which has not heretofore been widely prevalent or distributed within and throughout the United States, and said States are hereby quarantined and regulations are hereinafter prescribed (§§ 301.80-1 through 301.80-11) governing the movement of witchweed and carriers thereof. Hereafter the following shall not be shipped, deposited for transmission in the mail, offered for shipment, received for transportation, carried, otherwise transported or moved, or allowed to be moved by mail or otherwise, by any person, from any quarantined State into or through any other State, Territory, or District of the United States in any manner or method, or under conditions other than those prescribed in the regulations as from time to time amended: (a) Soil, separately or with other things; (b) nursery stock and other plants with roots attached; (c) true bulbs, corms, rhizomes, and tubers; (d) root crops; (e) hay, straw, fodder and plant litter of any kind; (f) seed cotton; (g) tobacco; (h) peanuts in shells; (i) ear corn; (j) soybeans; (k) small grains; (l) used farm tools, implements and harvesting machinery; (m) used construction and maintenance equipment; (n) used crates, boxes, burlap bags, and cotton picking sacks, and other used farm products containers; and (o) other farm products and farm equipment, processing machinery, trucks, wagons, railway cars, aircraft, boats, and other means of conveyance, and, unlimited by the foregoing, any other products and articles of any character whatsoever, not covered by paragraphs (a) through (n) of this section, when it is determined in accordance with the regulations that they present a hazard of spread of witchweed. However, the requirements of the quarantine and other regulations with respect to such products, articles, and means of conveyance, are hereby limited to the areas in any quarantined State which may be designated as regulated areas as provided in the regulations, as long as in the judg-

ment of the Administrator of the Agricultural Research Service, the enforcement of the regulations as to such regulated areas will be adequate to prevent the spread of witchweed, except that such limitation is further conditioned upon the affected State's providing regulations for and enforcing control of the movement within such State of witchweed and other regulated articles under the same conditions as those which apply to their interstate movement under the provisions of the currently existing Federal quarantine and other regulations in this subpart, and upon the State's providing regulations for and enforcing such sanitation measures with respect to such areas or portions thereof as, in the judgment of said Administrator, are adequate to prevent the spread of witchweed within such State. Moreover, whenever the Director of the Plant Pest Control Division shall find that facts exist as to the pest risk involved in the movement of one or more of the products, articles, or means of conveyance to which the regulations apply, making it safe to modify by making less stringent the requirements contained in the regulations, except § 301.80-3, he shall set forth and publish such finding in administrative instructions, specifying the manner in which the regulations should be made less stringent, whereupon such modification shall become effective for such period and for such regulated areas or portion thereof and for such products, articles, and means of conveyance, as shall be specified in said administrative instructions, and every reasonable effort shall be made to give publicity to such administrative instructions throughout the affected areas. Under the Federal Plant Pest Act, no person shall knowingly move any witchweed plants or reproductive parts thereof, including seed, into or through the United States or from any State, Territory, or District of the United States into or through any other such State, Territory, or District, or knowingly accept delivery of such plants or parts so moving, unless such movement is authorized under permit from the Department of Agriculture and is made in accordance with any conditions in the permit and applicable provisions of this subpart.

REGULATIONS

§ 301.80-1 *Definitions.* For the purposes of the provisions in this subpart, except where the context otherwise requires, the following terms shall be construed respectively to mean:

(a) *Witchweed.* Parasitic plants of the genus *Striga*, and any reproductive parts thereof, including seed.

(b) *Infestation.* The presence of witchweed.

(c) *Regulated area.* Any county, other minor civil division, farm, or other premises, or part thereof, designated in administrative instructions under § 301.80-2 as a regulated area.

(d) *Regulated articles.* Witchweed, means of conveyance, and other products and articles of any character whatsoever, the movement of which is regulated by the witchweed quarantine (§ 301.80) and the regulations in §§ 301.80-1 through 301.80-11.

(e) *"Moved"* ("*movement*," "*move*"). Shipped, deposited for transmission in the mail, offered for shipment, received for transportation, carried, otherwise transported or moved, or allowed to be moved, by mail or otherwise, by any person, interstate, directly or indirectly. "*Movement*" and "*move*" shall be construed accordingly.

(f) *Interstate.* From any State, Territory or District (including possessions and the District of Columbia) of the United States into or through any other such State, Territory, or District.

(g) *Certificate.* A document evidencing compliance with the requirements of this subpart.

(h) *Limited permit.* A document authorizing the movement of regulated articles to a restricted destination for limited handling, utilization, or processing, or for treatment.

(i) *Dealer-carrier agreement.* An agreement to comply with stipulated conditions, executed by persons engaged in purchasing, assembling, exchanging, handling, processing, utilizing, treating, or moving regulated articles.

(j) *Administrative instructions.* Documents relating to the enforcement of the provisions in this subpart issued under authority of such provisions by the Director of the Plant Pest Control Division, Agricultural Research Service.

(k) *Inspector.* An inspector of the United States Department of Agriculture.

(l) *Person.* This term includes any corporation, partnership, firm, company, joint stock company, society, or association, as well as any individual.

§ 301.80-2 *Designation of regulated areas.* The Director of the Plant Pest Control Division shall, from time to time, in administrative instructions promulgated by him, list the counties, other minor civil divisions, farms, and other premises, or parts thereof, in the quarantined States, in which infestation has been determined to exist, or in which it has been determined infestation is likely to exist, or which it is deemed necessary to regulate because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities, and shall designate such civil divisions and premises, and parts thereof, as regulated areas. Any civil division or premises, or part thereof, so designated shall continue in a regulated status until the Director of the Plant Pest Control Division shall have determined that adequate eradication measures have been practiced for a sufficient length of time to eradicate witchweed therein and that regulation of such area is not otherwise necessary under this section, and shall have issued administrative instructions revoking the designation of such civil division, premises, or part thereof, as a regulated area.

§ 301.80-3 *Witchweed; conditions of movement.* Witchweeds may be moved from any State, Territory, or District of the United States into or through any other such State, Territory, or District and delivery of witchweeds so moving may be accepted only if such movement is made for scientific purposes under specific permit from the Director of the Plant Pest Control Division and in accordance with such conditions as may be required in such permit by the Director. The permit shall be securely attached to the outside of the container of the witchweeds when they are so moved.

§ 301.80-4 *Other regulated articles; conditions of movement—(a) Designated articles.* Unless exempted by administrative instructions, the following may be moved from any regulated area into or through any point outside of the regulated areas only if accompanied by a valid certificate or limited permit issued in compliance with § 301.80-7 and if the applicable requirements of §§ 301.80-5 and 301.80-6 are also met: soil, separately or with other things; nursery stock and other plants with roots attached; true bulbs, corms, rhizomes and tubers; root crops; hay, straw, fodder, and plant litter of any kind; seed cotton; tobacco; peanuts in shells; ear corn; soybeans; small grains; used farm tools, implements and harvesting machinery; used construction and maintenance equipment; and used crates, boxes, burlap bags, and cotton picking sacks, and other used farm products containers. However, regulated articles of kinds within this paragraph which originate outside of the regulated areas and are moving through or are being reshipped from a regulated area may be moved from such regulated area into or through any point outside of the regulated areas without further restriction under this subpart when their point of origin is clearly indicated, when their identity has been maintained, and when they have been safeguarded against infestation while in the regulated areas in a manner satisfactory to an inspector and do not present a hazard of spread of witchweed. Otherwise such regulated articles shall be subject to all applicable requirements under this subpart for articles originating in the regulated areas.

(b) *Articles determined to present hazards.* When it has been determined by an inspector that, due to contamination with witchweed, a hazard of spread of witchweed is presented by any farm products, farm equipment, processing machinery, trucks, wagons, railway cars, aircraft, boats, other means of conveyance, or, unlimited by the foregoing, any other products or articles of any character whatsoever, not covered by paragraph (a) of this section or § 301.80-3, notice of such fact shall be given to the person having custody thereof. Thereafter, such contaminated articles may be moved from any regulated area into or through any point outside of the regulated areas only after they have been cleaned, treated, or otherwise disinfested to the satisfaction of the inspector or when they are moving under limited permit as required by the inspector.

§ 301.80-5 *Use of certificates or limited permits with shipments.* Every container of regulated articles, or if there is none the article itself, required to have a certificate or limited permit under § 301.80-4 shall have such certificate or permit securely attached to the outside thereof, when offered for movement under said section, except that where the regulated articles are adequately described on a certificate or limited permit attached to the waybill, the attachment of a certificate or limited permit to each container of the articles, or the article itself, will not be required.

§ 301.80-6 *Protecting certified articles.* Subsequent to certification as provided in § 301.80-7, regulated articles must be loaded, handled, and shipped,

only under such protection and safeguards against infestation as are required by the inspector.

§ 301.80-7 *Conditions governing the issuance of certificates and limited permits*—(a) *Certificates*. Certificates may be issued by the inspector for the movement of the regulated articles specified in § 301.80-4 (a) under any of the following conditions:

(1) When, in the judgment of the inspector, they have not been exposed to infestation.

(2) When they have been examined by the inspector and found to be free of infestation.

(3) When they have been treated to destroy infestation under the observation of the inspector and in accordance with methods selected by him from administratively authorized procedures known to be effective under the conditions in which applied.

(4) When grown, produced, manufactured, stored or handled in such manner that, in the judgment of the inspector, no infestation would be transmitted thereby.

(b) *Limited permits*. Limited permits may be issued by the inspector for the movement of noncertified regulated articles under § 301.80-4 to specified destinations for limited handling, utilization, or processing, or for treatment.

(c) *Dealer-carrier agreement*. As a condition of issuance of certificates or limited permits for the movement of regulated articles, any person engaged in purchasing, assembling, exchanging, handling, processing, utilizing, treating, or moving such articles may be required to sign a dealer-carrier agreement stipulating that he will maintain such safeguards against the establishment and spread of infestation and comply with such conditions as to the maintenance of identity, handling, and subsequent movement of such articles and the cleaning and treatment of means of conveyance and containers used in the transportation of such articles as may be required by the inspector.

§ 301.80-8 *Assembly of articles for inspection*. Persons intending to move any of the regulated articles under § 301.80-4 shall make application for inspection as far in advance as possible, shall so handle such articles as to safeguard them from infestation, and shall assemble them at such points and in such manner as the inspector shall designate to facilitate inspection.

§ 301.80-9 *Cancellation of certificates or limited permits*. Certificates or limited permits for any regulated articles issued under the regulations in this subpart may be withdrawn or cancelled and further certificates or permits for such articles may be refused by the inspector whenever he determines that the further use of such certificates or permits might result in the spread of witchweed.

§ 301.80-10 *Inspection and disposal*. Any properly identified inspector is authorized to stop and inspect, without a warrant, any person or means of conveyance moving from any State, Territory, or District of the United States into or through any other such State, Territory, or District and any plant pest and any product and article of any character whatsoever carried thereby, upon probable cause to believe that such means of conveyance, product, or article is infested or infected by or contains any plant pest or is moving subject to this subpart or any other regulations under the Federal Plant Pest Act or that such person or means of conveyance is carrying any plant pest subject to that act, and to stop and inspect, without a warrant, any means of conveyance so moving, upon probable cause to believe it is carrying any product or article prohibited or restricted movement under the Plant Quarantine Act or any quarantine or order thereunder. Such inspector is authorized to seize, destroy, or otherwise dispose of, or require disposal of, products, articles, means of conveyance, and plant pests in accordance with section 105 of the Federal Plant Pest Act and section 10 of the Plant Quarantine Act.

§ 301.80-11 *Nonliability of Department*. The United States Department of Agriculture disclaims liability for any cost incident to inspection or treatment required under the provisions in this subpart other than for the services of the inspector.

This quarantine and the related regulations shall be effective on September 6, 1957.

The purpose of the quarantine and regulations is to prevent the spread of the witchweed from North Carolina and South Carolina, where it is known to occur, to other parts of the United States. The regulations provide methods whereby most host material and other carriers may be inspected or treated or otherwise made eligible for interstate movement from the regulated areas. The regulations also govern movement of witchweed for scientific purposes.

The quarantine and regulations are supplemented by administrative instructions listing regulated areas and providing certain exemptions from specified requirements (§§ 301.80-2a, 301.80a, post).

This quarantine and its related regulations should be effective as soon as possible in order to be of maximum benefit in preventing the spread of the witchweed. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), good cause is found for making them effective less than 30 days after publication in the Federal Register.

Done at Washington, D. C., this 30th day of August 1957.

[SEAL]

M. R. CLARKSON,

Acting Administrator, Agricultural Research Service.

[Filed with the Division of the Federal Register, September 5, 1957, 8:51 a. m.; 22 F. R. 7133.]

[Copies of the foregoing quarantine and regulations, together with copies of the following administrative instructions designating regulated areas, were sent to all common carriers doing business in or through the affected States; also, through the Post Office Department, to the postmasters in the regulated areas.]

[A notice to the general public concerning the above quarantine and regulations and the administrative instructions designating regulated areas was published in the following newspapers: The News & Observer, Raleigh, N. C., September 14, 1957; and the State, Columbia, S. C., September 16, 1957.]

P. P. C. 627

Effective September 6, 1957

TITLE 7—AGRICULTURE

CHAPTER III—AGRICULTURAL RESEARCH SERVICE, DEPARTMENT OF AGRICULTURE

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—WITCHWEED

ADMINISTRATIVE INSTRUCTIONS DESIGNATING REGULATED AREAS

On July 12, 1957, there was published in the Federal Register (22 F. R. 4916), under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), a notice of rule making to designate regulated areas under the proposed witchweed quarantine regulations. After due consideration of all relevant matters presented, and pursuant to § 301.80-2 of the regulations supplemental to the witchweed quarantine (7 CFR 301.80-2, *supra*), under the Federal Plant Pest Act (Public Law 85-36) and sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), administrative instructions to appear in 7 CFR 301.80-2a are hereby issued as follows:

§ 301.80-2a *Administrative instructions designating regulated areas under the witchweed quarantine.* Infestations of the witchweed have been determined to exist, in the quarantined States, in the civil divisions and premises, or parts thereof, listed below, or it has been determined that such infestation is likely to exist therein, or it is deemed necessary to regulate such localities because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities. Accordingly, such civil divisions and premises, and parts thereof, are hereby designated as witchweed regulated areas within the meaning of the provisions in this subpart:

NORTH CAROLINA

Bladen County. That area of Bladen County lying west and north of U. S. Highway No. 701.

Columbus County. The area bounded by a line beginning at a point where North Carolina Highway No. 410 crosses the Columbus-Bladen County Line and extending south along said highway to its intersection with the Atlantic Coastline Railroad, thence westward along said railroad to its intersection with the Columbus-Robeson County Line (including the area within the corporate limits of the Town of Fair Bluff), thence north-easterly along said county line to the Columbus-Bladen County Line, thence southeast along said county line to the point of beginning.

The Maggie Hobbs farm located one mile south of the Bladen-Columbus County Line on the west side of Mount Olive-Bladenboro Road, including all highways and roadways abutting thereon.

The George Elkin farm located on a dirt road one mile south of the junction of said dirt road with U. S. Highway No. 701, said junction being 2.7 miles southwest of the Columbus-Bladen County Line, including all highways and roadways abutting thereon.

The Malcolm Ransom farm located one mile south of the Bladen-Columbus County Line on the east side of Mount Olive-Bladenboro Road, including all highways and roadways abutting thereon.

The Chadbourn Veneer Company property, located in the Town of Chadbourn, south of the Atlantic Coastline Railroad tracks and approximately 0.1 mile east of the Town Hall, including all highways and roadways abutting thereon.

The Minnie I. Tedder farm located six miles southeast of Chadbourn on the west side of Hewitt Road, including all highways and roadways abutting thereon.

Cumberland County. The area bounded on the north by State Highway No. 24, on the east by the Cumberland-Sampson County Line, on the south by the Cumberland-Bladen County Line and the Cumberland-Robeson County Line, and on the west by U. S. Highway No. 301, excluding the area within the corporate limits of the City of Fayetteville.

The Mrs. D. D. Carter farm located 1.5 miles east of Vander at the junction of the Clement Road with State Highway No. 24, including all highways and roadways abutting thereon.

Harnett County. The area included within a circle having a three-mile radius and center at the point where the Overhills-Lillington dirt road crosses McLeod Creek.

Hoke County. The Edwin Pate, Jr., farm operated by Marshall Hearn, located on a dirt road 0.5 mile north of the junction of said dirt road with the Antioch-Dundarrach Road, said junction being 0.5 mile southwest of Dundarrach, including all highways and roadways abutting thereon.

Robeson County. All of Robeson County.

Sampson County. The area bounded by a line beginning at a point where Big Swamp empties into South River and extending northwesterly along said river to its junction with North Carolina Highway No. 24, thence eastward along said highway to its junction with Autryville-Salemberg Highway, thence northeasterly along said highway to its intersection with Big Swamp, thence following Big Swamp in a southerly direction to the point of beginning, excluding the area within the corporate limits of the Town of Autryville.

The H. A. Pope farm located on the west side of Old Fayetteville Road, 1.8 miles southeast of the junction of Old Fayetteville Road and North Carolina Highway No. 24, said junction being 2.5 miles northwest of Roseboro, including all highways and roadways abutting thereon.

The J. F. Simmons farm located on a dirt road, one mile west of the junction of said dirt road and North Carolina Highway No. 411, said junction being 3.5 miles north of Parkersburg, including all highways and roadways abutting thereon.

The Lulla Brinson farm located on a dirt road, one mile east of the junction of said dirt road and North Carolina Highway No. 411, said junction being three miles northeast of Parkersburg, including all highways and roadways abutting thereon.

The D. D. McLarium farm located on the south side of Loop Road, 1.3 miles north of the junction of said Loop Road and North Carolina Highway No. 24, said junction being 1.8 miles east of Roseboro, including all highways and roadways abutting thereon.

The Earl Patterson farm located on the south side of a dirt road, two miles south of the junction of said dirt road and the Salemburg-Clinton Highway, said junction being 2.1 miles northeast of Salemburg, including all highways and roadways abutting thereon.

The James Howard farm located on the east side of a dirt road, one mile southeast of the junction of said dirt road and Clement-Halls Store Road, said junction being 2.1 miles northeast of Clement, including all highways and roadways abutting thereon.

Scotland County. That area within Scotland County included within a circle having a 4.3 miles radius and center at Johns.

The William Cagle farm located on the Laurinburg-Maxton Air Base Road, one mile north of the Air Base, including all highways and roadways abutting thereon.

SOUTH CAROLINA

Darlington County. The J. B. Howle farm located on a dirt road, 0.6 mile northeast of the junction of said dirt road and South Carolina State Secondary Highway No. 29, said junction being 1.8 miles northwest of Mechanicsville, including all highways and roadways abutting thereon.

Dillon County. The portion of the county lying east of the Seaboard Airline Railroad right-of-way, said right-of-way beginning at Smithboro, and extending in a northwesterly direction to the Dillon-Marlboro County Line.

The southwestern portion of the county bounded by a line beginning at a point where Little Reedy Creek crosses the Dillon-Marlboro County Line, thence southeasterly along said creek to its junction with Buck Swamp and continuing in a southeasterly direction along Buck Swamp to its junction with U. S. Highway No. 301, thence along said highway in a southwesterly direction to the Dillon-Marion County Line, thence in a southwesterly direction along said county line to the Great Pee Dee River, thence along said river in a northwesterly direction to the Dillon-Marlboro County Line, thence along the Dillon-Marlboro County Line to the point of beginning.

Horry County. The northwestern portion of the county bounded by a line beginning at a point where U. S. Highway 76 crosses the North Carolina-South Carolina State Line and extending southwest along said highway to its junction with South Carolina Secondary Highway No. 44, thence southwest along said secondary highway to its junction with South Carolina Secondary Highway No. 19, and continuing southeast along said highway No. 19 to its junction with Lake Swamp Creek, thence in a westerly and southerly direction along Lake Swamp Creek to the Little Pee Dee River, thence in a northeasterly direction along said river to the Lumber River, thence in a northeasterly direction along said river to the North Carolina State Line, thence in a southeasterly direction along the North Carolina-South Carolina State Line to the point of beginning.

That area included within a circle having a five mile radius and center at Good Hope Church located on South Carolina State Secondary Highway No. 97, including all highways and roadways abutting thereon.

The George H. Harrelson farm located on the north side of a dirt road, 0.6 mile west of the junction of said dirt road and South Carolina State Secondary Highway No. 31, said junction being approximately one mile north of Red Bluff Crossroads, including all highways and roadways abutting thereon.

The Hortense Hughes farm located on the south side of a dirt road, 0.5 mile west of the junction of said dirt road with South Carolina State Secondary Highway No. 31, said junction being approximately 1.5 miles north of Red Bluff Crossroads, including all highways and roadways abutting thereon.

Marion County. An area bounded by a line beginning at the junction of the Little Pee Dee River and South Carolina Secondary Highway No. 60 and extending north-

easterly along said highway to its junction with South Carolina Secondary Highway No. 30, thence along said highway No. 30 southeasterly to the corporate limits of the City of Nichols, thence southerly along said corporate limits to the junction of U. S. Highway No. 76, thence southwesterly along said highway to the Little Pee Dee River, thence along said river in a northwesterly direction to the point of beginning, including all highways and roadways abutting thereon.

That area bounded by a line beginning at a point where South Carolina Primary Highway No. 41 crosses the Marion-Dillon County Line and extending southerly along said highway to its junction with South Carolina Primary Highway No. 41A, thence northwesterly along said highway to its junction with U. S. Highway No. 301, thence northwesterly along said highway to its junction with the Marion-Dillon County Line, thence easterly along said county line to the point of beginning, excluding the area within the corporate limits of the Towns of Mullins and Marion.

The Walter W. Larrimore farm located on the north side of U. S. Highway No. 378, 0.3 mile northwest of the Potato Bed Ferry Bridge across the Little Pee Dee River, including all highways and roadways abutting thereon.

The Mrs. John Steadman farm, located on north side of U. S. Highway No. 378, 0.3 mile northwest of the Potato Bed Ferry Bridge across the Little Pee Dee River, including all highways and roadways abutting thereon.

Marlboro County. The southern portion of the county bounded on the east by the Dillon-Marlboro County Line, on the south by the Florence-Marlboro County Line, on the west by the Darlington-Marlboro County Line, and on the north by South Carolina Secondary Highway No. 57 and South Carolina Secondary Highway No. 49, including all highways and roadways abutting thereon.

The area bounded by a line beginning at a point where U. S. Highway No. 15 crosses the North Carolina-South Carolina State Line, and extending thence in a southeasterly direction along said state line to the Dillon-Marlboro County Line, thence in a southwesterly direction along said county line to its intersection with South Carolina Primary Highway No. 9, thence along said highway No. 9 in a northwesterly direction to its intersection with U. S. Highway No. 15, thence in a northeasterly direction along said highway No. 15 to the point of beginning, including all highways and roadways abutting thereon.

These administrative instructions shall become effective September 6, 1957.

Since publication in the notice of rule making on July 12, 1957, of the proposed designation of regulated areas, a number of additional witchweed infestations have been discovered. Consequently, the regulated areas designated hereby are greater in number and scope than proposed in the notice.

These administrative instructions list the areas that are regulated under the new witchweed quarantine to become effective September 6, 1957. They must be made effective concurrently with such quarantine to effectuate the purposes thereof. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that further notice of rule making and other public procedure with respect to the instructions would be impracticable and contrary to the public interest and good cause is found for making the instructions effective less than 30 days after publication in the Federal Register.

(Sec. 9, 37 Stat. 318, sec. 106, Pub. Law 85-36, 85th Cong.; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 30th day of August 1957.

[SEAL]

E. D. BURGESS,
Director, Plant Pest Control Division.

[Filed with the Division of the Federal Register, September 5, 1957, 8:51 a. m.; 22 F. R. 7136.]

P. P. C. 628

Effective September 6, 1957

TITLE 7—AGRICULTURE

CHAPTER III—AGRICULTURAL RESEARCH SERVICE, DEPARTMENT OF AGRICULTURE

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—WITCHWEED

ADMINISTRATIVE INSTRUCTIONS EXEMPTING CERTAIN ARTICLES FROM SPECIFIED REQUIREMENTS

On July 12, 1957, there was published in the Federal Register (22 F. R. 4917), under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), a notice of rule making relating to proposed administrative instructions exempting certain articles from proposed witchweed quarantine regulations (7 CFR 301.80, 301.80-1 et seq., *supra*). After due consideration of all relevant matters presented, and pursuant to § 301.80 of said regulations under the Federal Plant Pest Act (Public Law 85-36) and sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), administrative instructions to be designated as 7 CFR 301.80a are hereby issued as follows:

§ 301.80a *Administrative instructions exempting certain articles from specified requirements.* (a) It has been found that facts exist as to the pest risk involved in the movement of the following regulated articles under the regulations in this subpart which make it safe to make less stringent the requirements of § 301.80-4 (a) of the regulations with respect to the movement of such articles from any regulated area into or through any point outside of the regulated areas, as hereinafter provided. The following articles are hereby exempted from the requirements of § 301.80-4 (a), under the conditions set forth below:

(1) Root crops, such as turnips, carrots, and sweet potatoes, when moving to a designated processing plant, or when washed free of soil and thereafter protected from infestation to the satisfaction of the inspector.

(2) Seed cotton when moving to a designated gin.

(3) Tobacco when moving to a designated warehouse or storage facility, provided it has been subjected to a temperature of 180° F. for 12 hours in the curing barn and subsequently protected from contamination.

(4) Soybeans if the beans and any containers for the beans did not come in contact with the soil during harvesting and if the beans are moving forthwith to a designated oil mill or storage facility for crushing or uses other than planting.

(5) Small grain if the grain and any containers for the grain did not come in contact with the soil during harvesting and if the grain is moving forthwith to a designated storage facility for uses other than planting.

(6) Ear corn when harvested from the stalk and placed, without coming in contact with the soil, in a wagon or truck for direct transportation to storage or other handling facility.

(7) Used farm tools and implements, when washed, steam cleaned or air cleaned, and thereafter protected from infestation, to the satisfaction of the inspector. (This exemption does not apply to mechanical cotton or corn pickers, combines, or hay balers or to cotton picking sacks.)

(b) Information as to designated processing plants, oil mills, warehouses, storage facilities, and gins may be obtained from the inspector.

These administrative instructions shall become effective on September 6, 1957.

The administrative instructions allow the movement of certain articles without a certificate or limited permit or compliance with related requirements under the witchweed quarantine, unless the articles are found by an inspector to present a hazard of spread of witchweed in specific cases. The tobacco exemption has been modified from that stated in the notice of rule making to provide that the tobacco be heated to 180° F. for 12 hours, a normal processing practice, and to require protection from reinfestation after heating.

The instructions provide exemptions from certain restrictions imposed by the witchweed quarantine regulations which are to be made effective as soon as possible. The modification with respect to the tobacco exemption is deemed necessary to provide fullest protection against the spread of witchweed and must be included in the instructions. The instructions should be made effective at the same time as the regulations in order to be of maximum benefit to affected shippers. Therefore under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that further notice or other public rule-making procedure with respect to the modified instructions would be impractical and contrary to the public interest, and good cause is found for making the modified instructions effective less than 30 days after publication in the Federal Register.

(Sec. 9, 37 Stat. 318, sec. 106, Pub. Law 85-36, 85th Cong.; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 30th day of August 1957.

[SEAL]

E. D. BURGESS,
Director, Plant Pest Control Division.

[Filed with the Division of the Federal Register, September 5, 1957, 8:51 a. m.; 22 F. R. 7135.]

WITCHWEED REGULATED AREAS EXTENDED IN NORTH AND SOUTH CAROLINA

(Press Notice)

NOVEMBER 29, 1957.

Changes have been made in the localities regulated under the Federal witchweed quarantine in 10 North Carolina and 5 South Carolina counties effective December 3, the U. S. Department of Agriculture announced today.

Relatively small areas have been included under regulation for the first time in Duplin, Pender, and Richmond Counties, N. C.; and Florence County, S. C.

Present regulated areas have been enlarged due to the finding of witchweed in the North Carolina counties of Bladen, Columbus, Cumberland, Harnett, Hoke, Sampson, and Scotland; and the South Carolina counties of Darlington, Dillon, Horry, and Marion. Fairly extensive increases in area have been necessary in all except Harnett County, N. C., and Darlington and Horry Counties, S. C., where new infestations are limited to a few farms each.

Robeson County, N. C., in its entirety is already included and there is no change in the Marlboro County, S. C., localities affected.

Details of the quarantine regulations and background material on the occurrence and habits of witchweed appear in the Department's releases of August 9 and September 4 (USDA Press Releases 2471-57, 2696-57).

P. P. C. 627, Revised

Effective December 3, 1957

TITLE 7—AGRICULTURE

CHAPTER III—AGRICULTURAL RESEARCH SERVICE, DEPARTMENT OF AGRICULTURE

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—WITCHWEED

REVISED ADMINISTRATIVE INSTRUCTIONS DESIGNATING REGULATED AREAS

Pursuant to § 301.80-2 of the regulations supplemental to the witchweed quarantine (7 CFR 301.80-2, 22 F. R. 7134), under the Federal Plant Pest Act (Public Law 85-36) and sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), administrative instructions appearing as 7 CFR 301.80-2a (22 F. R. 7136) are hereby revised to read as follows:

§ 301.80-2a *Administrative instructions designating regulated areas under the witchweed quarantine.* Infestations of the witchweed have been determined to exist, in the quarantined States, in the civil divisions and premises, or parts thereof, listed below, or it has been determined that such infestation is likely to exist therein, or it is deemed necessary to regulate such localities because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities. Accordingly, such civil divisions and premises, and parts thereof, are hereby designated as witchweed regulated areas within the meaning of the provisions in this subpart:

NORTH CAROLINA

Bladen County. An area consisting of all of Bladen County exclusive of the southeastern portion bounded by a line beginning at a point where North Carolina State Highway No. 41 crosses the Bladen-Sampson County line and extending west along this highway to its intersection with the Cape Fear River, thence southeast along said River to the point where the Bladen-Columbus County line and the Bladen-Pender County line meet, thence northeast along the Bladen-Pender County line to the Bladen-Sampson County line, thence northwest along this line to the point of beginning.

The Mrs. Cammy K. Newly farm located on North Carolina Highway No. 53 and seven miles east of Kelly, where said highway crosses Black River, including all highways and roadways abutting thereon.

The R. L. Tippitt farm located on a dirt road two miles west and south of Kelly, including all highways and roadways abutting thereon.

Columbus County. The area bounded by a line beginning at a point where North Carolina Highway No. 131 crosses the Columbus-Bladen County line and extending southeast along said highway to its intersection with U. S. Highway No. 701, thence southeast along U. S. Highway No. 701 to its junction with the Atlantic Coast Line Railroad, thence west along said railroad to its intersection with the Cerro Gordo-Cherry Grove Highway, thence south along said highway to its intersection with the North Carolina-South Carolina State line, thence northwest along said State line to its intersection with the Lumber River thence following said river northeast to its junction with the Bladen-Columbus County line, thence east along said county line to the point of beginning, including the area within the corporate limits of the town of Chadbourn, but excluding the area within the corporate limits of the towns of Whiteville and Cerro Gordo.

The George Elkin farm located on a dirt road one mile south of the junction of said dirt road with U. S. Highway No. 701, said junction being 2.7 miles southwest of the Columbus-Bladen County line, including all highways and roadways abutting thereon.

The Minnie I. Tedder farm located six miles southeast of Chadbourn on the west side of Hewitt Road, including all highways and roadways abutting thereon.

Cumberland County. The portion of the county lying east of U. S. Highway No. 301, excluding the area within the corporate limits of the City of Fayetteville.

The area lying west of U. S. Highway No. 301 and bounded by an arc having a 3.5 miles radius and center at Hope Mills.

The J. T. Piner farm located on the west side of U. S. Highway No. 15A and 0.9 mile north of Tokay, including all highways and roadways abutting thereon.

Duplin County. The Alton Smith farm located on the east side of U. S. Highway No. 117 and 0.5 mile north of Bowdens, including all highways and roadways abutting thereon.

The Norman Quinn farm located on south side of a dirt road and 0.4 mile east of junction of said dirt road with the Sampson-Duplin County line, said junction being three miles southwest of Bowdens, including all highways and roadways abutting thereon.

The Bryant Miller farm located on south side of a dirt road and 1.2 miles northwest of junction of said dirt road with North Carolina Highway No. 11, said junction being three miles northeast of Kenansville, including all highways and roadways abutting thereon.

The Paisley Bomham farm located on north side of a dirt road and one mile west of Pin Hook, including all highways and roadways abutting thereon.

Harnett County. The area bounded by a line beginning at a point where North Carolina State Highway No. 87 crosses the Harnett-Cumberland County line, extending northwest along this highway to its intersection with Overhills-Lillington dirt road, thence northeast along this road 5.4 miles to its intersection with a stone surfaced road, thence southeast along this road to its intersection with North Carolina State Highway No. 210, thence southwest along this highway to the Harnett-Cumberland County line, thence west along the county line to the point of beginning.

The C. T. Jackson farm located on the south side of a dirt road and 0.4 mile northwest of Johnsonville, including all highways and roadways abutting thereon.

The Ray Thomas farm located on the east side of a dirt road and one mile southwest of Johnsonville, including all highways and roadways abutting thereon.

Hoke County. The southern portion of the county bounded by a line beginning at a point where the Laurinburg and Southern Railroad crosses the Hoke-Scotland County line and extending northeast along said railroad to its junction with North Carolina Highway No. 20, thence in a southeast direction along said highway to its junction with the Hoke-Robeson County line, thence southwest and west along said county line to the point of beginning, excluding the area within the corporate limits of the City of Raeford, including all highways and roadways abutting thereon.

Pender County. The E. R. Keith farm located approximately one mile south of North Carolina Highway No. 210 at a point 0.5 mile east of intersection of the said highway with the Bladen-Pender County line, including all highways and roadways abutting thereon. The Standberry Scott, W. H. Malloy and Lawrence Mallory farms located on the south side of North Carolina Highway No. 210 and 0.7 mile east of the intersection of said highway with U. S. Highway No. 117, including all highways and roadways abutting thereon.

Richmond County. The A. M. Wadell farm located on a dirt road one mile east of U. S. Highway No. 1, said dirt road intersecting Highway No. 1, one mile southwest of Biggs, including all highways and roadways abutting thereon.

Robeson County. All of Robeson County.

Sampson County. The area bounded by a line beginning at a point where North Carolina Highway No. 41 crosses the Bladen-Sampson County line, thence northwest along said county line to its intersection with the Clement-Beamans Cross Roads Highway, thence northeast along said highway to its intersection with U. S. Highway No. 421 at Beamans Cross Roads, thence southeast along said highway to its junction with U. S. Highway No. 701, thence south along U. S. Highway No. 701 to its junction with the Ingold-Tomahawk Highway, thence southeast along said highway to its junction with the Tomahawk-Clear Run Highway, thence southwest along said highway to its junction with North Carolina Highway No. 41, thence southwest along said highway to the point of beginning, excluding the area within the corporate limits of the Town of Clinton.

The Regal Paper Company farm located on west side of a dirt road and 50 yards south of intersection of said dirt road and the Sampson-Duplin County line, said intersection being 3 miles due north of a point where said county line crosses North Carolina Highway No. 24, including all highways and roadways abutting thereon.

The Kenneth Chambers farm located on west side of a dirt road and 0.2 mile south of intersection of said dirt road and the Duplin-Sampson County line, said intersection being 3 miles due north of a point where said county line crosses North Carolina Highway No. 24, including all highways and roadways abutting thereon.

The James Caldwell farm located on west side of the Turkey-Ingold Highway and 4.3 miles southwest of Turkey, including all highways and roadways abutting thereon.

The James Caldwell farm located on south side of a dirt road and 1.2 miles east of junction of said dirt road with the Turkey-Ingold Highway, said junction being 4.4 miles south of Turkey, including all highways and roadways abutting thereon.

The H. I. Register farm located on the north side of the Turkey-Ingold Highway and 3.4 miles northeast of Ingold, including all highways and roadways abutting thereon.

The Thurman Peterson farm located on west side of a dirt road one mile south of junction of said dirt road with U. S. Highway No. 421, said junction being 1.2 miles south of Taylors Bridge on the west side of U. S. Highway No. 421, including all highways and roadways abutting thereon.

The D. F. Bullard farm located on the west side of a dirt road and 2 miles southeast of the junction of said dirt road with the Turkey-Ingold Highway, said junction being 2 miles northeast of Ingold, including all highways and roadways abutting thereon.

Scotland County. The portion of the county lying east of U. S. Highway No. 15, excluding the area within the corporate limits of the City of Laurinburg.

The McNair farm, operated by Clyde Davis, located on a dirt road 0.5 miles northwest of the junction of U. S. Highway No. 15 and the Laurinburg and Southern Railroad, said junction being approximately two miles north of Laurinburg, including all highways and roadways abutting thereon.

The Mrs. Polly McMillan farm, operated by Charlie McMillan, located on a dirt road one mile north of Nashville Church, said church being one mile northeast of Silver Hill, including all highways and roadways abutting thereon.

SOUTH CAROLINA

Darlington County. The J. B. Howle farm located on a dirt road and 0.6 mile northeast of the junction of said dirt road and South Carolina State Secondary Highway No. 29, said junction being 1.3 miles northwest of Mechanicsville, including all highways and roadways abutting thereon.

The D. M. Fountain farm located on the north side of South Carolina Primary Highway No. 34 and 0.1 mile northeast of the junction of South Carolina Primary Highway No. 34 and South Carolina Secondary Highway No. 29, including all highways and roadways abutting thereon.

Dillon County. All of Dillon county.

Florence County. The area lying south of South Carolina Secondary Highway No. 24 and bounded by the said highway and an arc having a 1.5 mile radius and center at the point where South Carolina Secondary Highway No. 24 intersects South Carolina Secondary Highway No. 89.

The area lying north and east of South Carolina Secondary Highway No. 57 and bounded by the said highway and an arc having a two mile radius and center at the point where South Carolina Secondary Highway No. 57 crosses Willow Creek.

The Marvin Taylor farm located on both sides of a dirt road and 1.0 mile southeast of the junction of said dirt road with South Carolina Primary Highway No. 327, said junction being 4.0 miles east of Mars Bluff School, including all highways and roadways abutting thereon.

The Janie Scott property located at 1105 Pine Street, Florence.

Horry County. The northwestern portion of the county bounded by a line beginning at a point where U. S. Highway No. 76 crosses the North Carolina-South Carolina State line and extending southwest along said highway to its junction with South Carolina Secondary Highway No. 44, thence southwest along said secondary highway to its junction with South Carolina Secondary Highway No. 34, and continuing southeast along said Highway No. 34 to its junction with Lake Swamp Creek, thence west and north along said creek to the Little Pee Dee River, thence northeast along said river to the Lumber River, thence northeast along said river to the North Carolina State line, thence southeast along the North Carolina-South Carolina State line to the point of beginning.

The area included within a circle having a five mile radius and center at Good Hope Church located on South Carolina State Secondary Highway No. 97.

The George H. Harrelson farm located on the north side of a dirt road and 0.6 mile west of the junction of said dirt road and South Carolina State Secondary Highway No. 31, said junction being approximately one mile north of Red Bluff Crossroads, including all highways and roadways abutting thereon.

The Hortense Hughes farm located on the south side of a dirt road and 0.5 mile west of the junction of said dirt road with South Carolina State Secondary Highway No. 31, said junction being approximately 1.5 miles north of Red Bluff Crossroads, including all highways and roadways abutting thereon.

The Joseph W. Davis farm located on the south side of a dirt road and 0.8 mile east of the junction of said dirt road and South Carolina Secondary Highway No. 31, said junction being four miles southeast of Loris, including all highways and roadways abutting thereon.

Marion County. The area bounded by a line beginning at the junction of the Little Pee Dee River and South Carolina Secondary Highway No. 60 and extending northeast along said highway to its junction with South Carolina Secondary Highway No. 30, thence east along said Highway No. 30 to the corporate limits of the City of Nichols, thence south along said corporate limits to the junction of U. S. Highway No. 76, thence southwest along said highway to the Little Pee Dee River, thence northwest along said river to the point of beginning, including the area within the corporate limits of the Towns of Marion and Mullins.

The area bounded by a line beginning at a point where South Carolina Primary Highway No. 41 crosses the Marion-Dillon County line and extending south along said highway to its junction with South Carolina Primary Highway No. 41A, thence northwest along said highway to its junction with U. S. Highway No. 301, thence northwest along said highway to its junction with U. S. Highway No. 76, thence west along said highway to its junction with the Florence-Marion County line, thence north along said county line to the Dillon-Marion County line, thence east along said county line to the point of beginning, including the area within the corporate limits of the Towns of Mullins and Marion.

The area included within a circle having a two mile radius and center at the junction of South Carolina Secondary Highway No. 9 and South Carolina Secondary Highway No. 47 near the Friendship Community.

The Walter W. Larrimore farm located on the north side of U. S. Highway No. 378 and 0.5 mile northwest of the Potato Bed Ferry Bridge across the Little Pee Dee River, including all highways and roadways abutting thereon.

The Mrs. John Steadman farm, located on the north side of U. S. Highway No. 378 and 0.3 mile northwest of the Potato Bed Ferry Bridge across the Little Pee Dee River, including all highways and roadways abutting thereon.

The Charlie Ingram farm located on the south side of U. S. Highway No. 378 and 0.3 mile northwest of the Potato Bed Ferry Bridge across the Little Pee Dee River, including all highways and roadways abutting thereon.

Marlboro County. The southern portion of the county bounded on the east by the Dillon-Marlboro County line, on the south by the Florence-Marlboro County line, on the west by the Darlington-Marlboro County line, and on the north by South Carolina Secondary Highway No. 57 and South Carolina Secondary Highway No. 49, including all highways and roadways abutting thereon.

The area bounded by a line beginning at a point where U. S. Highway No. 15 crosses the North Carolina-South Carolina State line, and extending southeast along said State line to the Dillon-Marlboro County line, thence southwest along said county line to its intersection with South Carolina Primary Highway No. 9, thence northwest along said Highway No. 9 to its intersection with U. S. Highway No. 15, thence northeast along said Highway No. 15 to the point of beginning, including all highways and roadways abutting thereon.

The purposes of this revision are to add to the regulated area for the first time certain farms and localities in Duplin, Pender, and Richmond Counties, North Carolina, and Florence County, South Carolina; and to enlarge the pres-

ent regulated areas in the North Carolina Counties of Bladen, Columbus, Cumberland, Harnett, Hoke, Sampson, and Scotland, and the South Carolina Counties of Darlington, Dillon, Horry, and Marion.

These revised administrative instructions shall become effective December 3, 1957, when they shall supersede P. P. C. 627, 22 F. R. 7136, September 6, 1957.

Since the revision adds new territory to the regulated area, prompt action on the additions is necessary in order to control the movement thereof of articles that might spread the witchweed. Therefore, it is found upon good cause that notice and other public procedure under the Administrative Procedure Act are impracticable and contrary to the public interest, and good cause is found for making the effective date hereof less than 30 days after publication in the Federal Register.

(Sec. 9, 37 Stat. 318, sec. 106, Pub. Law 85-36, 85th Cong.; 7 U. S. C. 132. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 27th day of November 1957.

[SEAL]

L. F. CURL,

Acting Director, Plant Pest Control Division.

[Filed with the Division of the Federal Register, December 2, 1957, 8:49 a. m.; 22 F. R. 9648.]

[Copies of the foregoing revision were sent to all common carriers doing business in and through the affected States; also, through the Post Office Department, to the postmasters in the regulated areas.]

[A notice to the general public concerning the above revision was published in the following newspapers: The News & Observer, Raleigh, N. C., December 5, 1957; and the State, Columbia, S. C., December 8, 1957.]

PUBLIC LAW 85-36

85TH CONGRESS, S. 1442

MAY 23, 1957

AN ACT

To facilitate the regulation, control, and eradication of plant pests.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—FEDERAL PLANT PEST ACT

SEC. 101. This title may be cited as the "Federal Plant Pest Act".

SEC. 102. As used in this Act, except where the context otherwise requires:

(a) "Secretary" means the Secretary of Agriculture of the United States or any other person to whom authority may be delegated to act in his stead.

(b) "Properly identified employee of the Department of Agriculture" means an employee of that Department authorized to enforce the provisions of the Plant Quarantine Act, and wearing a suitable badge for identification, or otherwise properly identified.

(c) "Plant pest" means any living stage of: Any insects, mites, nematodes, slugs, snails, protozoa, or other invertebrate animals, bacteria, fungi, other parasitic plants or reproductive parts thereof, viruses, or any organisms similar to or allied with any of the foregoing, or any infectious substances, which can directly or indirectly injure or cause disease or damage in any plants or parts thereof, or any processed, manufactured, or other products of plants.

(d) "Living stage" includes the egg, pupal, and larval stages as well as any other living stage.

(e) "United States" means any of the States, Territories, or Districts (including possessions and the District of Columbia) of the United States.

(f) "Interstate" means from one State, Territory, or District (including possessions and the District of Columbia) of the United States into or through any other such State, Territory, or District.

(g) "Move" means ship, deposit for transmission in the mail, otherwise offer for shipment, offer for entry, import, receive for transportation, carry, or otherwise transport, or move, or allow to be moved, by mail or otherwise.

(h) "Plant Quarantine Act" means the Act of August 20, 1912 (37 Stat. 315), as from time to time amended (7 U. S. C. 151 and the following).

(i) "Mexican Border Act" means the Act of January 31, 1942 (56 Stat. 40), as from time to time amended (7 U. S. C. 149).

SEC. 103. (a) No person shall knowingly move any plant pest from a foreign country into or through the United States, or interstate, or knowingly accept delivery of any plant pest moving from any foreign country into or through the United States, or interstate, unless such movement is authorized under general or specific permit from the Secretary and is made in accordance with such conditions as the Secretary may prescribe in the permit and in such regulations as he may promulgate under this section to prevent the dissemination into the United States, or interstate, of plant pests.

(b) The Secretary may refuse to issue a permit for the movement of any plant pest when, in his opinion, such movement would involve a danger of dissemination of such pests. The Secretary may permit the movement of host materials otherwise barred under the Plant Quarantine Act when they must necessarily accompany the plant pest to be moved.

SEC. 104. (a) Any letter, parcel, box, or other package containing any plant pest, whether sealed as letter-rate postal matter or not, is hereby declared to be nonmailable, and will not knowingly be conveyed in the mail or delivered from any post office or by any mail carrier, except when accompanied by a copy of a permit issued under this Act.

(b) Nothing in this Act shall authorize any person to open any letter or other sealed matter except in accordance with the postal laws and regulations.

(c) The prohibitions of this Act shall not apply to any employee of the United States in the performance of his duties in handling mail.

SEC. 105. (a) Except as provided in paragraph (c), the Secretary may, whenever he deems it necessary as an emergency measure in order to prevent the dissemination of any plant pest new to or not theretofore known to be widely prevalent or distributed within and throughout the United States, seize, quarantine, treat, apply other remedial measures to, destroy, or otherwise dispose of, in such manner as he deems appropriate, any product or article of any character whatsoever, or means of conveyance, which is moving into or through the United States, or interstate, and which he has reason to believe is infested or infected by or contains any such plant pest, or which has moved into the United States, or interstate, and which he has reason to believe was infested or infected by or contained any such plant pest at the time of such movement; and any plant pest, product, article, or means of conveyance which is moving into or through the United States, or interstate, or has moved into the United States, or interstate, in violation of this Act or any regulation thereunder: *Provided*, That this paragraph shall not authorize such action with respect to any product, article, means of conveyance, or plant pest subject, at the time of the proposed action, to disposal under the Plant Quarantine Act.

(b) Except as provided in paragraph (c), the Secretary may order the owner of any product, article, means of conveyance, or plant pest subject to disposal under paragraph (a), or his agent, to treat, apply other remedial measures to, destroy, or make other disposal of such product, article, means of conveyance, or plant pest, without cost to the Federal Government and in such manner as the Secretary deems appropriate. The Secretary may apply to the United States district court, or to the United States court of any Territory or possession, for the judicial district in which such person resides or transacts business or in which the product, article, means of conveyance, or plant pest is found, for enforcement of such order by injunction, mandatory or otherwise. Process in any such case may be served in any judicial district wherein the defendant resides or transacts business or may be found, and subpoena for witnesses who are required to attend a court in any judicial district in such a case may run into any other judicial district.

(c) No product, article, means of conveyance, or plant pest shall be destroyed, exported, or returned to shipping point of origin, or ordered to be destroyed, exported, or so returned under this section, unless in the opinion of the Secretary there is no less drastic action which would be adequate to prevent the dissemination of plant pests new to or not therefore known to be widely prevalent or distributed within and throughout the United States.

(d) The owner of any product, article, means of conveyance, or plant pest destroyed, or otherwise disposed of by the Secretary under this section, may bring an action against the United States in the United States District Court for the District of Columbia, within one year after such destruction or disposal, and recover just compensation for such destruction or disposal of such product,

article, means of conveyance, or plant pest (not including compensation for loss due to delays incident to determining eligibility for movement into or through the United States or for interstate movement) if the owner establishes that neither this section nor the Plant Quarantine Act authorized such destruction or disposal. Any judgment rendered in favor of such owner shall be paid out of the money in the Treasury appropriated for plant disease and pest control activities of the Department of Agriculture.

SEC. 106. The Secretary may promulgate such regulations requiring inspection of products and articles of any character whatsoever and means of conveyance, specified in the regulations, as a condition of their movement into or through the United States, or interstate, and imposing other conditions upon such movement, as he deems necessary to prevent the dissemination into the United States, or interstate, of plant pests, in any situation in which such regulations are not authorized under the Plant Quarantine Act.

SEC. 107. Any properly identified employee of the Department of Agriculture shall have authority to stop and inspect, without a warrant, any persons or means of conveyance moving into the United States, and any plant pests and any products and articles of any character whatsoever, carried thereby, to determine whether such persons or means of conveyance are carrying any plant pest contrary to this Act and whether any such means of conveyance, products, or articles are infested or infected by or contain any plant pest or are moving in violation of any regulation under this Act; to stop and inspect, without a warrant, any persons or means of conveyance moving interstate, and any plant pests and any products and articles of any character whatsoever carried thereby, upon probable cause to believe that such means of conveyance, products, or articles are infested or infected by or contain any plant pest or are moving subject to any regulation under this Act, or that such persons or means of conveyance are carrying any plant pest subject to this Act; and to enter, with a warrant, any premises in the United States, other than places which may be entered under section 15 of the Plant Quarantine Act, to make any inspections and seizures necessary under this Act. Any judge of the United States or of a court of record of any State, Territory or possession, or a United States commissioner, may, within his respective jurisdiction, upon proper oath or affirmation showing probable cause to believe that there are on certain premises any products, articles, means of conveyance, or plant pests regulated or subject to disposal under this Act, issue warrants for the entry of such premises to make any inspections or seizures under this Act. Such warrants may be executed by any authorized employee of the Department of Agriculture.

SEC. 108. Any person who violates section 103 of this Act, or any regulation promulgated under this Act, or who forges, counterfeits, or without authority from the Secretary uses, alters, or defaces any permit or other document provided for by this Act or the regulations thereunder, shall be guilty of a misdemeanor and shall be punished by a fine not exceeding \$500, or by imprisonment not exceeding one year, or both.

SEC. 109. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 110. The Act entitled "An Act to provide for regulating, inspecting, cleaning, and, when necessary, disinfecting railway cars, other vehicles, and other materials entering the United States from Mexico," approved January 31, 1942 (56 Stat. 40; 7 U. S. C. 149) is hereby amended by deleting the provision that "the cleaning and disinfection of vehicles or materials necessary to accomplish the purpose shall be carried out by and under the direction of authorized inspectors of the Department of Agriculture," and by substituting therefor the following: "the cleaning and disinfection of vehicles or materials necessary to accomplish the purpose shall be carried out by or under the direction of authorized inspectors of the Department of Agriculture."

SEC. 111. The authority conferred by this Act shall be in addition to authority conferred by other statutes not specifically repealed hereby. Nothing in this Act shall amend or repeal any of the provisions of the Plant Quarantine Act. The Act entitled "An Act to prohibit importation or interstate transportation of insect pests, and the use of the United States mails for that purpose," approved March 3, 1905 (33 Stat. 1269; 7 U. S. C. 141-144), and the Act entitled "An Act to prevent the entry of certain mollusks into the United States", approved September 22, 1951 (65 Stat. 335; 7 U. S. C. 441), are hereby repealed. However, all Acts amended or repealed hereby shall be deemed to continue in full force

and effect for the purpose of sustaining any action or other proceeding with respect to any right that accrued, liability that was incurred, or violation that occurred prior to the effective date of this Act. Nothing contained in this Act shall affect the validity of any findings, regulations, or other orders, permits, or certificates, which were issued under any of the Acts cited in this section prior to the effective date of this Act and which are in effect on said date, but such findings, regulations, other orders, permits, and certificates shall remain in effect unless and until modified in accordance with this Act.

TITLE II—ERADICATION AND CONTROL OF INSECT PESTS, PLANT DISEASES, AND NEMATODES

SEC. 201. Subsection (a) of section 102 of the Department of Agriculture Organic Act of 1944, as amended, (7 U. S. C. 147a) is hereby further amended by adding after the phrase "or to prevent or retard the spread of" the words "insect pests, plant diseases, and nematodes, such as imported fire ants, soybean cyst nematode, witchweed, spotted alfalfa aphid."

Approved May 23, 1957.

DEPARTMENT OF AGRICULTURE

AGRICULTURAL RESEARCH SERVICE

[ADMINISTRATIVE MEMORANDUM 101.1]

ORGANIZATION, FUNCTIONS AND AUTHORITIES

I. *Purpose.* This memorandum outlines the basic functions, authorities and organizational structure of the Agricultural Research Service (ARS) established under Secretary's Order of December 24, 1953 (19 F. R. 74), and assigns overall responsibilities and authorities. Provisions of this memorandum become effective February 21, 1957, and supersede the "Notice of Organization, Functions and Authorities of the Agricultural Research Service" effective January 2, 1954 (19 F. R. 514).

II. *Functions of the Agricultural Research Service—A. Assignment of functions.* The Agricultural Research Service is responsible for:

* * * * *

3. The research, investigations, inspections, experimentations, demonstrations, development work, service and regulatory work, and control and eradication of insects, plant and animal pests and diseases provided for under the heading "Agricultural Research Administration" in the Department of Agriculture Appropriation Act of 1954 (except forest pests and diseases, and research on off-farm handling, transportation and storage of agricultural products, including investigations of insect infestations of off-farm stored products), inspection and certification service, and standardization incidental thereto, for foods for dogs, cats, and other Carnivora, and for animal byproducts not capable of use as human food, and the identification of federally inspected meat, meat byproducts, and meat food products.

4. Administration of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U. S. C. 135-135k).

* * * * *

13. Administration of the Federal Plant Pest Act of May 23, 1957 (Pub. Law 85-36). [As amended at 22 F. R. 8230, October 17, 1957.]

* * * * *

III. *Assignment of functions, responsibilities and authorities—*

* * * * *

K. *Regulatory Programs.* The Directors of Regulatory Divisions report to the Deputy Administrator, Regulatory Programs, and directly or in cooperation with Federal, State, public, and private agencies as appropriate, have the following responsibilities:

* * * * *

4. *Director, Plant Pest Control Division.* Plans, organizes, provides leadership, coordinates, and directs a national program of plant pest control and related functions.

5. *Director, Plant Quarantine Division.* Plans, organizes, provides leadership, coordinates, and directs a national program of plant quarantine and related functions.

6. *Delegations of authority.* All specific and special authorities that are presently delegated to the chiefs of the regulatory branches by the Administrator are rescinded and are hereby delegated to the Division Directors cited above.

* * * * *

This document shall be effective February 21, 1957.

Done at Washington, D. C., this 11th day of April 1957.

[SEAL]

B. T. SHAW,

Administrator, Agricultural Research Service.

[Filed with the Division of the Federal Register, April 16, 1957, 8:53 a. m.; 22 F. R. 2679.]

DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

ORGANIZATION AND FUNCTIONS

FEDERAL-STATES RELATIONS; AGRICULTURAL RESEARCH SERVICE

The statement of delegations of authority and assignment of functions of the Department of Agriculture (19 F. R. 74, as amended) is further amended by adding at the end of section 200 the following paragraph (m):

(m) Administration of the Federal Plant Pest Act of May 23, 1957 (Pub. Law 85-36).

Done at Washington, D. C., this 7th day of October 1957.

[SEAL]

E. L. PETERSON,

Assistant Secretary.

[Filed with the Division of the Federal Register, October 9, 1957, 8:57 a. m., 22 F. R. 8069.]

TITLE 7—AGRICULTURE

CHAPTER III—AGRICULTURAL RESEARCH SERVICE, DEPARTMENT OF AGRICULTURE

ALTERATIONS IN NOMENCLATURE WITHIN CHAPTER

Pursuant to Administrative Memorandum 101.1 of the Administrator of the Agricultural Research Service, dated February 21, 1957, and the authorities under which such administrative memorandum was issued, the provisions in Chapter III of Title 7, Code of Federal Regulations, are hereby amended as follows:

1. Wherever, in the subparts "Black Stem Rust", "Gypsy Moth and Brown-Tail Moth", "Japanese Beetle", "Pink Bollworm", "White-Pine Blister Rust", "Mexican Fruit Fly", "White-Fringed Beetle", "Khapra Beetle", "European Chafer", and "Mediterranean Fruit Fly" of Part 301 and Parts 362 and 363, the designations "Plant Pest Control Branch", "Branch", and "Chief" appear, they are deleted and the designations "Plant Pest Control Division", "Division", and "Director", respectively, are substituted therefor.

2. Wherever, in the subparts of Part 301 other than those referred to in paragraph 1, and in Parts 302, 319, 320, 321, 324, 351, 352, 353, and 354, the designations "Plant Quarantine Branch", "Branch", and "Chief" appear, they are deleted and the designations "Plant Quarantine Division", "Division", and "Director", respectively, are substituted therefor.

3. In §§ 301.47-4, 319.8-20, and 319.37-23, the designations "Section of Plant Exploration and Introduction of the Horticultural Crops Research Branch" and "Plant Introduction Section of the Horticultural Crops Research Branch, Agricultural Research Service" are deleted and the designation "Plant Introduction Section of the Crops Research Division" is substituted therefor.

The foregoing amendments shall become effective upon issuance.

Done at Washington, D. C., this 11th day of April 1957.

[SEAL]

B. T. SHAW,

Administrator, Agricultural Research Service.

[Filed with the Division of the Federal Register, April 16, 1957, 8:53 a. m., 22 F. R. 2656.]

LIST OF CURRENT QUARANTINES AND OTHER RESTRICTIVE ORDERS AND MISCELLANEOUS REGULATIONS

[The domestic and foreign quarantine and other restrictive orders summarized herein are issued under the authority of the Plant Quarantine Act of Aug. 20, 1912, as amended, and the Insect Pest Act of March 3, 1905, or the Federal Plant Pest Act of May 23, 1957. The Mexican border regulations and the export-certification regulations are issued under specific acts of Congress.]

QUARANTINE ORDERS

The numbers assigned to these quarantines indicate merely the chronological order of issuance of both domestic and foreign quarantines in one numerical series. The quarantine numbers missing in this list are quarantines which have either been superseded or revoked. For convenience of reference these quarantines are here classified as domestic and foreign, the domestic quarantines being divided into (1) those applying primarily to the continental United States, and (2) those applying primarily to shipments from and to Hawaii, Puerto Rico, and the Virgin Islands of the United States.

DOMESTIC PLANT QUARANTINES

QUARANTINES APPLYING TO THE CONTINENTAL UNITED STATES

Black stem rust.—Quarantine 38 and supplemental regulations, revised, effective May 1, 1949, as amended effective February 11, 1950, and September 20, 1951, prohibit the interstate movement anywhere in the continental United States of all species of berberis, mahonia, and mahoberberis plants, other than those designated as being resistant to the black stem rust. Permits are required for interstate movement of plants of those species of berberis, mahonia, and mahoberberis that are known to be rust-resistant. The interstate movement of all seeds and fruits of berberis, mahonia, and mahoberberis is prohibited into the eradication States, comprising Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, Virginia, Washington, West Virginia, Wisconsin, and Wyoming, *except* that an approved nurseryman within an eradication State may obtain mahonia seed from another approved nurseryman outside such State under prescribed safeguards. Such seeds and fruits from rust-resistant plants produced in the eradication States may be moved between or from such States under permit, or wherever produced, may be moved between noneradication States without restriction. Administrative instructions, revised March 21, 1957, designate rust-resistant species and varieties.

Gypsy moth and brown-tail moth.—Quarantine No. 45, revised, effective July 20, 1956: Prohibits, except as provided in the rules and regulations supplemental thereto, the interstate movement from the regulated area to or through any point outside thereof of (1) live gypsy moths or brown-tail moths in any stage of development; (2) timber and timber products; (3) plants having persistent woody stems (including deciduous trees and shrubs and Christmas trees), and parts thereof; (4) stone and quarry products; and (5) any aircraft, trucks, wagons, railway cars, boats, and other means of conveyance, containers and products and articles of any character whatsoever which by reason of infestation or exposure constitute a hazard of spreading the gypsy moth or the brown-tail moth. Regulated areas in Connecticut, Massachusetts, Rhode Island, and parts of the States of Maine, New Hampshire, New York, and Vermont are designated in administrative instructions effective May 21, 1957.

Japanese beetle.—Quarantine No. 48, revised, effective July 24, 1954: Prohibits, except as provided in the rules and regulations supplemental thereto, the interstate movement of (1) soil, humus, compost, and decomposed manure; (2) forest, field, nursery, or greenhouse-grown woody or herbaceous plants or parts thereof for planting purposes; (3) fresh fruits and vegetables, and (4) trucks, wagons, cars, aircraft, boats, and other means of conveyance and containers that present a hazard of spread of the Japanese beetle, from the regulated area to or through any point outside thereof. The regulated area includes the entire States of Massachusetts, Rhode Island, Connecticut, New Jersey, and Delaware, and the District of Columbia, and portions of the States of Maine, New Hampshire, North Carolina, Vermont, New York, Pennsylvania, Maryland, Virginia, West Virginia, and Ohio.

Pink bollworm.—Quarantine No. 52, revised, effective August 31, 1957: Prohibits, except as provided in the rules and regulations supplemental thereto, the interstate movement from the regulated areas of Arizona, Arkansas, Louisiana, New Mexico, Oklahoma, and Texas of (1) Okra and kenaf, including all parts of the plants; (2) cotton and wild cotton, including all parts of both cotton and wild cotton plants; (3) seed cotton; (4) cotton lint; (5) cotton linters; (6) cotton waste produced at cotton gins, cottonseed oil mills, or textile mills; (7) gin trash; (8) cottonseed; (9) cottonseed hulls; (10) cottonseed cake; (11) cottonseed meal; (12) used bagging and other used wrappers for cotton; (13) used cotton harvesting equipment; and (14) other farm products, other farm equipment, farm household goods, ginning and oil mill equipment, other cotton processing machinery, and means of conveyance and any other products or articles determined to present a hazard of spread of the pink bollworm. Regulated area in Arizona, Arkansas, Louisiana, New Mexico, Oklahoma, and Texas is designated in administrative instructions effective August 31, 1957.

White pine blister rust.—Quarantine No. 63, effective July 1, 1946: Except as provided in the rules and regulations supplemental thereto, effective July 1, 1946, April 25, 1952, and September 30, 1955, (1) prohibits the movement of five-leaved pines into the noninfected States of Arizona, Colorado, Nevada, New Mexico, Utah, and the noninfected part of California, from any other State, although (a) five-leaved pines may be moved without restriction between these noninfected States and portions thereof when they have originated therein, and (b) there are no restrictions on the movement of five-leaved pines and parts thereof, when not visibly infected with blister rust, into or within that part of the continental United States outside the above-described noninfected area; (2) prohibits the movement of European black currants, except into and between the States of Alabama, Arkansas, Florida, Kansas, Louisiana, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas; (3) prohibits the movement of gooseberry and currant plants (other than European black currants) into parts of Georgia, Idaho, Maine, Montana, New Hampshire, New Jersey, New York, Tennessee, and West Virginia; and (4) restricts the movement of gooseberry and currant plants (other than European black currants) into control-areas comprising Connecticut, Delaware, Maryland, Massachusetts, Rhode Island, and Vermont, and parts of Michigan, Minnesota, North Carolina, Ohio, Oregon, Pennsylvania, Virginia, Washington, and Wisconsin.

Mexican fruit fly.—Quarantine No. 64, revised, effective October 25, 1957: Prohibits, except as provided in the rules and regulations supplemental thereto, the interstate movement from the regulated area of fruits that are hosts of the Mexican fruit fly; and fruit-picking equipment; trucks, wagons, railway cars, aircraft, boats, and other means of conveyance and containers which have been or are being used in conveying host fruits; other products and articles which have been associated with the production of, or commerce in, host fruits; and any other products and articles determined to present a hazard of spread of Mexican fruit flies. Regulated area in Texas is designated in administrative instructions effective October 25, 1957.

White-fringed beetle.—Quarantine No. 72 revised, effective November 8, 1956: Prohibits, except as provided in the regulations supplemental thereto, the interstate movement from the regulated areas in the States of Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, to or through any point outside thereof, of (1) live white-fringed beetles in any stage of development; (2) soil independently or in connection with nursery stock, plants, or other things; (3) nursery stock and other stipulated plants or plant products; and (4) other articles as stipulated in § 301.72-3. Regulated areas in the 8 quarantined States are designated in administrative instructions effective July 19, 1957.

Khapra beetle.—Quarantine No. 76, effective February 21, 1955: Prohibits, except as provided in the rules and regulations supplemental thereto, the interstate movement from a regulated area to or through any point outside thereof of (1) all grains and grain products (including, but not limited to, barley, corn, oats, rye, and wheat) whether moved as such or in connection with other articles; (2) dried seeds and seed products of field and vegetable crops (including, but not limited to, alfalfa seed, cottonseed, cottonseed meal and cake, flax seed, sorghum seed, soybean meal, pinto beans, and black-eyed peas); (3) bags and bagging (including, but not limited to, those made of burlap or cotton); (4) dried milk, dried blood, fish meal, and meat scraps; and (5) any other article which by reason of infestation or exposure constitutes a hazard of spreading the khapra beetle. Premises in the States of Arizona, California, and New

Mexico under regulation on December 31, 1955, were designated in a seventh revision of administrative instructions effective December 18, 1957.

European chafer.—Quarantine No. 77, effective September 1, 1955: Prohibits, except as provided in the rules and regulations supplemental thereto, the interstate movement from the regulated area to or through any point outside thereof of (1) forest, field, nursery, or greenhouse-grown woody or herbaceous plants or parts thereof for planting purposes; (2) sand, soil, gravel, humus, compost, and decomposed manure, moved independently or in connection with nursery stock or other products or articles; and (3) trucks, wagons, railway cars, aircraft, boats, and other means of conveyance and containers and other products and articles of any character whatsoever that might present a hazard of spread of the European chafer. Regulated areas in parts of Connecticut, New York, and West Virginia are designated in administrative instructions effective February 2, 1957.

Mediterranean fruitfly.—Quarantine No. 78, effective May 16, 1956: Prohibits, except as provided in the regulations supplemental thereto, the interstate movement from the regulated areas of Florida of (1) live Mediterranean fruitflies in any stage of development; (2) fruits and vegetables, and other garden and orchard products of all kinds; (3) sand, soil, earth, peat, compost, and manure; and (4) fruit-picking equipment; trucks, wagons, cars, aircraft, boats, and other means of conveyance and containers which have been or are being used in conveying fruits or vegetables; other products and articles, including nursery stock, which have been associated with the production of, or commerce in, fruits and vegetables, or have been or are contaminated with sand, soil, earth, peat, compost, or manure; and, unlimited by the foregoing, any other products and articles of any character whatsoever; when it is determined in accordance with the regulations supplemental thereto that they present a hazard of spread of the Mediterranean fruitfly. On May 21, 1957, administrative instructions designating certain localities as regulated area were revoked.

Soybean cyst nematode.—Quarantine No. 79, effective July 26, 1957, as amended effective October 10, 1957: Prohibits, except as provided in the rules and regulations supplemental thereto, the interstate movement from the regulated area to or through any point outside thereof of (1) soil, separately or with other things; (2) nursery stock and other plants with roots attached; (3) true bulbs, corms, rhizomes, and tubers; (4) root crops; (5) soybeans; (6) small grains; (7) ear corn; (8) hay, straw, fodder and plant litter of any kind; (9) seed cotton; (10) used farm tools, implements, and harvesting machinery; (11) used construction and maintenance equipment; (12) used crates, boxes, burlap bags, and cotton picking sacks, and other used farm products containers; and (13) other farm products and farm equipment, processing machinery, trucks, wagons, railway cars, aircraft, boats, and other means of conveyance and any other products or articles determined to present a hazard of spread of the soybean cyst nematode. Regulated areas in Arkansas, Kentucky, Mississippi, Missouri, North Carolina, and Tennessee are designated in administrative instructions effective December 10, 1957.

Witchweed.—Quarantine No. 80, effective September 6, 1957: Prohibits except as provided in the rules and regulations supplemental thereto, the interstate movement from the regulated areas to or through any point outside thereof of (1) soil, separately or with other things; (2) nursery stock and other plants with roots attached; (3) true bulbs, corms, rhizomes, and tubers; (4) root crops; (5) hay, straw, fodder and plant litter of any kind; (6) seed cotton; (7) tobacco; (8) peanuts in shells; (9) ear corn; (10) soybeans; (11) small grains; (12) used farm tools, implements and harvesting machinery; (13) used construction and maintenance equipment; (14) used crates, boxes, burlap bags, and cotton picking sacks, and other used farm products containers; and (15) other farm products and farm equipment, processing machinery, trucks, wagons, railway cars, aircraft, boats, and other means of conveyance, and any other products or articles determined to present a hazard of spread of the witchweed. Regulated areas in North Carolina and South Carolina are designated in administrative instructions effective December 3, 1957.

QUARANTINES APPLYING TO HAWAII, PUERTO RICO AND THE VIRGIN ISLANDS OF THE UNITED STATES

Hawaiian fruits and vegetables.—Quarantine No. 13, revised, effective February 12, 1954, as amended effective June 9, 1955, prohibits, except as provided in the rules and regulations supplemental thereto, amended effective March 18, 1954, the movement from the Territory of Hawaii into or through the continen-

tal United States, Alaska, Puerto Rico, or the Virgin Islands of the United States of all fruits and vegetables, in the natural or raw state, peels of fruits of all genera, species, and varieties of the subfamilies *Aurantioideae*, *Rutoideae*, and *Toddalioideae*, of the botanical family *Rutaceae*; cut flowers; rice straw; and mango seeds to prevent the spread of the Mediterranean fruitfly (*Ceratitis capitata* Hendl.), melon fly (*Dacus curcurbitae* Coq.), Oriental fruitfly (*Dacus dorsalis* Hendl.), citrus canker (*Xanthomonas citri* (Hassee) Dowson), green coffee scale (*Coccus viridis* Green), bean pod borer (*Maruca testulalis* Geyer), bean butterfly (*Lampides boeticus* L.), Asiatic rice borer (*Chilo simplex* Butl.), mango weevil (*Cryptor hynchus mangifera* F.), and Chinese rose beetle (*Adoretus sinicus* Burm.)

Sugarcane.—Quarantine No. 16, revised, effective February 12, 1954: Prohibits the movement from Hawaii, Puerto Rico, and the Virgin Islands of the United States into or through any other Territory, State, or District of the United States of canes of sugarcane, or cuttings or parts thereof, sugarcane leaves, and bagasse, on account of certain injurious insects and diseases of sugarcane, except that movement will be allowed under permit of specific materials on condition that they have been or are to be so treated, processed, or manufactured that, in the judgment of the Department, their movement will involve no pest risk. The prohibitions do not apply to the movement of such products from the Virgin Islands to Puerto Rico.

Sweetpotato.—Quarantine No. 30, revised, effective February 16, 1957: Prohibits the movement from the Territories of Hawaii, Puerto Rico, and the Virgin Islands of the United States into or through any other Territory, State, or District of the United States of any variety of sweetpotato (*Ipomoea batatas* Poir.), regardless of the use for which the same is intended, on account of the sweetpotato stem borer (*Omphisa anastomosalis* Guen.) and the sweetpotato scarabee (*Euscepes batatae* Waterh.). This prohibition does not apply to the movement under permit to designated northern United States ports of sweetpotatoes from Puerto Rico or the Virgin Islands that have been given certain approved fumigation, nor to the movement of sweetpotatoes in either direction between Puerto Rico and the Virgin Islands. Neither does this prohibition apply to the movement from Hawaii of sweetpotatoes that have been authorized movement, under permit or certificate, to designated ports, after having been given approved fumigation in Hawaii.

Territorial cotton, cottonseed, and cottonseed products.—Quarantine No. 47, effective June 13, 1952: Prohibits, except as provided in the rules and regulations supplemental thereto, the movement of all parts and products of plants of the genus *Gossypium*, such as seeds, including seed cotton; cottonseed; cotton lint, linters, and other forms of cotton fiber; cottonseed hulls, cake, meal, and other cottonseed products, except oil; cotton waste; and all other unmanufactured parts of cotton plants; and all second-hand burlap and other fabric which have been used, or are of the kinds ordinarily used, for wrapping or containing cotton, from the Territory of Hawaii, Puerto Rico, and the Virgin Islands of the United States on account of the pink bollworm of cotton (*Pectinophora gossypiella* Saunders) and the cotton blister mite (*Eriophyes gossypii* Banks).

Fruits and vegetables from Puerto Rico or Virgin Islands.—Quarantine No. 58, revised, effective February 12, 1954: Prohibits, except as provided in the rules and regulations supplemental thereto, the movement from Puerto Rico and the Virgin Islands of the United States into or through any other Territory, State, or District of the United States of all fruits and vegetables in the raw or unprocessed state on account of certain injurious insects, including the fruitflies *Anastrepha suspensa* (Loew) and *A. mombinpraeoptans* Sein, and bean-pod borer *Maruca testulalis* (Geyer).

Sand, soil, or earth, with plants from Territories and Insular Possessions.—Quarantine No. 60, revised, effective February 12, 1954: Prohibits the movement from Hawaii, Puerto Rico, and the Virgin Islands of the United States into or through any other Territory, State, or District of the United States of sand (other than clean ocean sand), soil, or earth around the roots of plants to prevent the spread of certain injurious insects, including *Phyllophaga* spp. (white grubs), *Phytalus* sp., *Adoretus* sp., and of several species of termites or white ants. Provision is made for the retention of potted plants on board vessels from Hawaii, Puerto Rico, and the Virgin Islands of the United States when evidence is presented satisfactory to the plant quarantine inspector that the soil has been so treated or is so safeguarded as to eliminate pest risk.

FOREIGN PLANT QUARANTINES

Foreign cotton and covers quarantine.—Quarantine No. 8, revised effective December 23, 1955: Forbids the importation from all foreign countries and localities, except as provided in supplementary regulations, of (1) any parts or products of plants of the genus *Gossypium*, including seed cotton; cottonseed; cotton lint, linters, and other forms of cotton fiber (not including yarn, thread, and cloth); cottonseed hulls, cake, meal, and other cottonseed products, except oil; cotton waste, including gin waste and thread waste; and any other unmanufactured parts of cotton plants; and (2) second-hand burlap and other fabrics, shredded or otherwise, which have been used, or are of the kinds ordinarily used, for containing cotton, grains (including grain products), field seeds, agricultural roots, rhizomes, tubers, or other underground crops, because of the pink bollworm (*Pectinophora gossypiella* (Saund.)), the golden nematode of potatoes (*Heterodera rostochiensis* Wr.), the flag smut disease (*Urocystis tritici* Koern.), and other injurious plant diseases and insect pests.

Seeds of avocado or alligator pear.—Quarantine No. 12, effective February 27, 1914: Forbids the importation from Mexico and the countries of Central America of the seed of the avocado or alligator pear on account of the avocado weevil (*Heilipus lauri*).

Sugarcane.—Quarantine No. 15, revised, effective October 1, 1934: Prohibits the importation from all foreign countries and localities of canes of sugarcane, or cuttings of parts thereof, sugarcane leaves, and bagasse, on account of certain injurious insects and diseases of sugarcane, except that importation will be allowed under permit of specific materials on condition that they have been or are to be so treated, processed, or manufactured that, in the judgment of the Department, their entry will involve no pest risk.

Citrus nursery stock.—Quarantine No. 19, revised, effective September 15, 1947, as amended effective September 5, 1952: Forbids the importation into the continental United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States from all foreign localities and countries of plants or any plant part, except fruits and seed, of all genera, species, and varieties of the subfamilies Aurantioideae, Rutoideae, and Toddalioidae, of the botanical family Rutaceae, from Europe, Asia, Africa, South America, Central America, North America outside of the United States, Australia, and foreign oceanic countries and islands.

Indian corn or maize and related plants.—Quarantine No. 24, effective July 1, 1916, as amended, effective April 1, 1917, and April 23, 1917: Forbids the importation from southeastern Asia (including India, Siam, Indochina, and China), Malayan Archipelago, Australia, New Zealand, Oceania, Philippine Islands, Taiwan (Formosa), Japan, and adjacent islands, in the raw or unmanufactured state, of seed and all other portions of Indian corn or maize (*Zea mays* L.) and the closely related plants, including all species of Teosinte (*Euchlaena*), Jobstears (*Coix*), Polytoa, Chionachne, and Schlerachne, on account of the downy mildews and Physoderma diseases of Indian corn, except that Indian corn or maize may be imported under permit and upon compliance with the conditions prescribed in the regulations of the Secretary of Agriculture.

Citrus fruits.—Quarantine No. 28, effective October 25, 1947, as amended effective December 16, 1949, September 5 and November 21, 1952: Forbids the importation into the continental United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States of all fruits and peel of all genera, species, and varieties of the subfamilies Aurantioideae, Rutoideae, and Toddalioidae of the botanical family Rutaceae from eastern and southeastern Asia (including India, Burma, Ceylon, Siam, Indochina, and China), the Malayan Archipelago, the Philippine Islands, Oceania (except Australia and Tasmania), Japan (including Formosa and other islands adjacent to Japan); Mauritius, and Seychelles, on account of the citrus canker disease; forbids the importation into the continental United States, Alaska, Puerto Rico, Hawaii, and the Virgin Islands of the United States of fruits and peel of all genera, species, and varieties of *Citrus aurantifolia* (Christm.) Swingle, *C. aurantium* L., *C. hystrix* DC., *C. limon* (L.) Burm. f., *C. paradisi* Macf., *C. reticulata* Blanco, *C. sinensis* (L.) Osbeck and *Fortunella margarita* (Lour.) Swingle, from Argentina, Brazil, Paraguay, and Uruguay, on account of sweet orange scab; and forbids the importation into the continental United States, Alaska, Puerto Rico, Hawaii, and the Virgin Islands of the United States of fruits and peel of all genera, species, and varieties of *Citrus aurantifolia* (Christm.) Swingle, *C. aurantium* L., *C. limon* (L.) Burm. f., *C. medica* L., and *C. sinensis* (L.) Osbeck, from Argentina, Para-

guay, and Uruguay, on account of the bacterial disease known as "Cancrosis B"; *Provided*, that seeds and processed peel of fruits designated herein are excluded from the provisions of this quarantine. Such seeds, however, are subject to the requirements of Nursery Stock, Plant, and Seed Quarantine No. 37. Importation into Alaska of oranges of the mandarin class grown in Japan are allowed under permit and other requirements.

Sweetpotato and yam.—Quarantine No. 29, effective January 1, 1918, as amended effective September 5, 1952: Forbids the importation into the continental United States for any purpose of any variety of sweetpotatoes and yams (*Ipomoea batatas* and *Dioscorea* spp.) from all foreign countries and localities, on account of the sweetpotato weevil (*Cylas* spp.) and the sweetpotato scarabee (*Euscepes batatae*).

Bamboo.—Quarantine No. 34, effective October 1, 1918: Forbids the importation for any purpose of any variety of bamboo seed, plants, or cuttings thereof capable of propagation, including all genera and species of the tribe Bambuseae, from all foreign countries and localities, on account of dangerous plant diseases, including the bamboo smut (*Ustilago shiraiana*). This quarantine order does not apply to bamboo timber, consisting of the mature dried culms or canes which are imported for fishing rods, furniture making, or other purposes, or to any kind of articles manufactured from bamboo, or to bamboo shoots cooked or otherwise preserved.

Nursery stock, plants and seeds.—Quarantine No. 37, effective December 5, 1950, as amended effective July 1, 1950, and September 5, 1952: Forbids the importation into the continental United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States from designated countries of certain nursery stock and other plants and plant products specified in the quarantine because of the respective injurious insects and plant diseases listed. Restricts the importation from any foreign country or locality of nonprohibited field-grown florists' stock, trees, shrubs, vines, cuttings, grafts, scions, buds, and fruit pits and other seeds of forest, fruit, and ornamental trees and shrubs; bedding plants; other herbaceous plants, bulbs, and roots; field, vegetable, and flower seeds; and other plants and plant products for, or capable of, propagation, except as provided in supplemental regulations.

Permits are required for importation of all restricted plant material. Permits are not required for such material, other than *Aglaonema*, imported for food, analytical, medicinal, or manufacturing purposes; seeds of field crops, vegetables, and annual, biennial and perennial flowers which are essentially herbaceous in character, except seeds of *Lathyrus*, *Vicia*, and okra; or for sterile cultures of orchid seedlings in glass containers. This "nonpermit" material, however, is subject to inspection and certain other conditions.

Bulbs imported under permit are subject to inspection and must comply with other requirements of the regulations.

All imported plant material is subject to inspection to determine freedom from pests, except as noted in the regulations. Treatment of most classes of material is another condition of entry. Entry will be refused to plant material found upon inspection to harbor injurious pests which are not widely prevalent in the United States when no adequate treatment is available.

All restricted plant material must be free from sand, soil, or earth with certain limited exceptions. Shipments not so freed may be refused entry.

Size-age limitations for all restricted trees and shrubs to be imported are prescribed.

Types of plant material that may be imported from designated countries subject to growing under postentry quarantine conditions are also listed.

The quarantine and regulations should be consulted for specific details.

European corn borer.—Quarantine No. 41, revised, effective June 1, 1926: Forbids, except as provided in the rules and regulations supplemental thereto, revised effective March 1, 1933, as amended, effective July 15, 1947, October 1, 1948, and September 10, 1952, the importation from all foreign countries and localities of the stalk and all other parts, whether used for packing or other purposes, in the raw or unmanufactured state, of Indian corn or maize, broomcorn, sweet sorghums, grain sorghums, Sudan grass, Johnson grass, sugarcane, pearl millet, napier grass, teosinte, and jobs-tears, on account of the European corn borer (*Pyrausta nubilalis* Hubn.) and other dangerous insects and plant diseases.

Rice.—Quarantine No. 55, revised, effective November 23, 1933: Forbids the importation of seed or paddy rice from all foreign countries and localities except the Republic of Mexico, and forbids the importation of rice straw and rice hulls from all foreign countries and localities, and seed or paddy rice from the Republic

of Mexico, except as provided in the rules and regulations supplemental thereto effective November 23, 1933, as amended, effective August 1, 1934, on account of injurious fungus diseases of rice, including downy mildew (*Sclerospora macrocarpa*), leaf smut (*Entyloma oryzae*), blight (*Oospora oryzytorum*), and glume blotch (*Melanomma glumarum*), as well as dangerous insect pests.

Fruits and vegetables.—Quarantine No. 56, effective November 1, 1923: Forbids, except as provided in the rules and regulations supplemental thereto, revised, effective December 1, 1936, as amended effective April 7, 1948, and September 5, 1952, the importation into the continental United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States of fruits and vegetables, except as restricted, as to certain countries and districts by special quarantines and other orders, and of plants or portions of plants used as packing material in connection with shipments of such fruits and vegetables from all foreign countries and localities other than the Dominion of Canada, on account of injurious insects, including fruitflies and melonflies (Trypetidae). Includes and supersedes Quarantine No. 49 on account of the citrus blackfly.

Flag smut.—Quarantine No. 59, effective June 8, 1953, as amended effective February 23, 1954 and February 25, 1956: Forbids, except as provided in the rules and regulations supplemental thereto, the importation of grain of any and all species and varieties of wheat (*Triticum* spp.); wheat straw, hulls, and chaff; wheat products of the milling process, such as bran, shorts, thistle sharps, and pollards, but excluding wheat flour; and seeds of *Melilotus indica* and of any other field crops that have been separated from wheat during the process of screening; from Aden Protectorate, Afghanistan, Australia, Bulgaria, Caucasus (including but not limited to Azerbaidzhan, South Russia, and Transcaucasia), Chile, China, Cyprus, Egypt, Greece, India, Iran, Iraq, Israel, Italy, Japan, Oman, Pakistan, Palestine, Portugal, Saudi Arabia, Sinai Peninsula, Spain, Syria, Trans-Jordan, Tunisia, Turkestan, Turkey, Union of South Africa, and Yemen.

Packing materials.—Quarantine No. 69, effective July 1, 1933, as amended, effective July 1, 1933, and June 8, 1953: Forbids the entry from all foreign countries and localities of the following materials when used as packing for other commodities, except in special cases where preparation, processing, or manufacture are judged by an inspector of the United States Department of Agriculture to have eliminated risk of carrying injurious insects and plant diseases: Rice straw, hulls, and chaff; cotton and cotton products; sugarcane, including bagasse; bamboo leaves and small shoots; leaves of plants; forest litter; and soil containing an appreciable admixture of vegetable matter not therein provided for by regulation. All parts of corn and allied plants are likewise prohibited except from Mexico and the countries of Central America, the West Indies, and South America. This quarantine also brings under restriction, involving inspection at will by the Department but requiring no permit or certificate, the following when used as packing: Cereal straw, hulls, and chaff (such as oats, barley, and rye), from all countries, except rice straw, hulls, and chaff which are prohibited importation from all countries, and except wheat straw, hulls, and chaff which are restricted importation from Aden Protectorate, Afghanistan, Australia, Bulgaria, Caucasus (including but not limited to Azerbaidzhan, South Russia, and Transcaucasia), Chile, China, Cyprus, Egypt, Germany, Greece, India, Iran, Iraq, Israel, Italy, Japan, Netherlands, Oman, Pakistan, Palestine, Portugal, Saudi Arabia, Sinai Peninsula, Spain, Syria, Trans-Jordan, Tunisia, Turkestan, Turkey, Union of South Africa, and Yemen; corn and allied plants from Mexico, Central America, the West Indies, and South America; willow twigs from Europe; grasses, hay, and similar dried plant mixtures from all countries; and authorized soil-packing materials from all countries. This quarantine does not cover such widely used packing materials as excelsior, paper, sawdust, ground cork, charcoal, and various other materials which, because of their nature or process of manufacture, are unlikely to transport plant parasites.

Dutch elm disease.—Quarantine No. 70, revised, effective October 31, 1947: Forbids the importation from Europe, Canada, and other foreign areas north of the United States, on account of disease due to the fungus *Ceratostomella ulmi*, of seeds, leaves, plants, cuttings, and scions of elm and related plants; logs of elm and related plants; lumber, timber, and veneer of such plants if bark is present on them; and crates, boxes, barrels, packing cases, and other containers, and other articles manufactured in whole or in part of the wood of elm or related plants if not free from bark.

Coffee.—Quarantine No. 73, effective April 1, 1940: Prohibits the importation into Puerto Rico from all foreign countries and localities of (1) the seed or beans of coffee which, previous to importation, have not been roasted to a degree which, in the judgment of an inspector of the Department of Agriculture, will have destroyed coffee borers in all stages, (2) coffee berries or fruits, and (3) coffee plants and leaves, on account of an injurious coffee insect known as the coffee berry borer (*Stephanoderes [coffea] hampei* Ferr.) and an injurious rust disease due to the fungus *Hemileia vastatrix* B. and Br. Provision is made for importations of samples of unroasted coffee seeds or beans and for shipments of unroasted coffee seeds or beans in transit to destinations other than Puerto Rico.

Cut flowers.—Quarantine No. 74, effective August 1, 1947, and September 5, 1952: Restricts the entry of cut flowers into the continental United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States from foreign countries, including those in Europe, Asia, Africa, Australasia, South America, Central America, North America, and other foreign countries and islands (other than cut flowers produced in the Dominion of Canada, Labrador, Newfoundland, and the United States), except as provided in the regulations supplemental thereto.

OTHER RESTRICTIVE ORDERS

The regulation of the entry of nursery stock from foreign countries into the United States was specifically provided for in the Plant Quarantine Act. The act further provides for the similar regulation of any other class of plants or plant products when the need therefor shall be determined. The entry of the plants and plants products listed below has been brought under such regulation.

Nursery stock.—The conditions governing the entry of nursery stock and other plants and seeds from all foreign countries and localities are indicated above under "Foreign plant quarantines." (See Quarantine No. 37.)

Potatoes.—The order of December 22, 1913, and the regulations issued thereunder, revised, effective March 1, 1922, and amended, effective April 15, 1944, May 2, 1949, January 8, 1953, and June 3, 1954, restrict the importation of potatoes from all foreign countries and localities except the Dominion of Canada and Bermuda, on account of injurious potato diseases and insect pests. The importation of potatoes is now authorized from Bermuda, Canada, Cuba, and the Dominican Republic.

Plant safeguard regulations.—These rules and regulations, revised, effective December 1, 1932, as amended effective October 1, 1949, and June 1, 1950, provide safeguards for the landing or unloading for transshipment and exportation and for transportation and exportation in bond of restricted or prohibited plants and plant products when it is determined that such entry can be made without involving risk to the plant cultures of the United States and also provide for the safeguarding of such plant material at a port or within the territorial limits of the United States where entry or landing is not intended or where entry has been refused.

Rules and regulations governing the movement of plants and plant products into and out of the District of Columbia.—These rules and regulations, revised effective April 30, 1938, are promulgated under the amendment to the Plant Quarantine Act of May 31, 1920. They provide for the regulation of the movement of plants and plant products, including nursery stock, from or into the District of Columbia and for the control of injurious plant diseases and insect pests within the said District.

MISCELLANEOUS REGULATIONS

Mexico border regulations.—These regulations, effective September 8, 1942, as amended effective November 15, 1949, and December 31, 1954, were promulgated under the Act approved January 31, 1942, entitled, "To provide for regulating, inspecting, cleaning, and, when necessary, disinfecting railway cars, other vehicles, and other materials entering the United States from Mexico" (56 Stat. 40; 7 U. S. C. 149), and supersede the rules and regulations prohibiting the movement of cotton and cottonseed from Mexico into the United States and governing the entry into the United States of railway cars and other vehicles, freight, express, baggage, or other materials from Mexico at border points, promulgated June 23, 1917, and amended effective January 29, 1920. They are designed to prevent the entry of the pink bollworm of cotton, which is known to exist widely in Mexico. They provide for the examination of passengers' bag-

gage, for the disinfection of railway cars and other vehicles, freight, express, and other shipments. All fees collected for disinfecting railway cars and other vehicles are deposited in the United States Treasury as miscellaneous receipts.

The inspectors concerned in the enforcement of these regulations at border points are charged also with enforcement of restrictions on the entry of plants and plant products under various foreign plant quarantines.

Regulations governing sanitary export certification.—These regulations, revised effective July 1, 1945, were promulgated pursuant to authority granted in the Department of Agriculture Organic Act of 1944, approved September 21, 1944 (58 Stat. 724). They provide for the inspection and certification of domestic plants and plant products intended for export to countries requiring such certification.

Regulations governing entry of mollusks.—These regulations, effective October 22, 1952, were promulgated under the Act approved September 22, 1951, entitled, "An Act to prevent the entry of certain mollusks into the United States." The regulations provide that produce, baggage, salvaged war materials, and other goods that might harbor the giant African snail and other destructive mollusks will be subject to inspection upon arrival in this country from foreign countries and from Guam. Inbound vessels, vehicles, aircraft, or other conveyances that are found upon inspection to contain such pests may be refused entry or may be allowed to enter after thorough treatment under strict safeguards. Provision is made in the regulations for importation of mollusks for scientific purposes. Those imported for use in medical research may enter under permits issued by the U. S. Public Health Service.

ORGANIZATION OF PLANT REGULATORY PROGRAMS

Assistant Administrator, Regulatory Programs----- W. L. POPHAM.

PLANT PEST CONTROL DIVISION

Director of Division-----	E. D. BURGESS.
Assistant Director-----	L. F. CURL.
Staff Assistant-----	E. J. HAMBLETON.
Head, Regulatory Operations Section-----	R. G. RICHMOND.
Head, Cooperative Control Operations Section-----	D. R. SHEPHERD.
Head, Methods Improvement Section-----	W. G. BRUCE.
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Head, Plant Pest Survey Section-----	KELVIN DORWARD.
Administrative Officer-----	JOHN S. RISS.

PLANT QUARANTINE DIVISION

Director of Division-----	EUGENE P. REAGAN.
Assistant Director-----	HORACE S. DEAN.
Staff Assistant-----	RALPH W. SHERMAN.
Head, Nursery Stock Section-----	WILLIS H. WHEELER.
Head, Port Inspection Section-----	GEORGE F. CALLAGHAN.
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Administrative Officer-----	JOHN C. FREY.





